Response to Comments
Montana Artesian Water Company
MPDES Permit MT0031861

On June 24, 2016, the Montana Department of Environmental Quality (DEQ) issued Public Notice MT-16-16, stating DEQ's intent to issue a Montana Pollutant Discharge Elimination System (MPDES) permit to Montana Artesian Water Company (MAWC) for discharges to surface water from the proposed MAWC water bottling facility. Public notice MT-16-16 stated that DEQ prepared a draft permit and fact sheet and included information about the scheduled Public Hearing. A Public Hearing on the draft permit was held on August 1, 2016, in Creston, Montana. The public notice required that all substantive comments must be received or postmarked by August 5, 2016, in order to be considered in formulation of the final determination and issuance of the permit; this deadline was subsequently extended until August, 15, 2016.

This Response to Comments document includes a summary of all significant comments on the draft permit received during the public comment period and DEQ's responses to those comments. The Response to Comments document is an addendum to and supersedes relevant portions of the Fact Sheet. During the comment period, DEQ received comments from approximately 280 individuals, many of whom provided comments in more than one format, i.e. some combination of written comments, email comments and/or public hearing comments.

DEQ's responses are divided into two sections in this Response to Comments. Section I addresses comments that are specific to the permit fact sheet and draft permit and Section II addresses comments on the Environmental Assessment and the MEPA review process.

The majority of commenters objected to MAWC's proposed production well. The Montana Department of Natural Resources and Conservation (DNRC) issued a preliminary determination to grant the production well's associated water use permit. However, the preliminary determination has been objected to and is currently under review in a separate process being conducted by the DNRC. A DNRC hearing concerning the objections and the pending water right is currently scheduled for September 19, 2017. Potential impacts related to issuance of the DNRC water right and this action are addressed as cumulative impacts. Cumulative impacts, as defined under MEPA, related to the issuance of the DNRC water right are limited to those commensurate with the operation of the facility as proposed in the MPDES permit application. When applying for a water right through DNRC, applicants first apply for the maximum expected volume of water needed. Should MAWC be granted the full water right under consideration by DNRC, they enter a perfection period which is a reasonable timeframe to determine the actual volume of water that will be used. At the end of this perfection period, MAWC must submit a notice of completion and demonstrate actual water use during the last year of the perfection period. The water right is then capped at this volume of water unless an extension of the perfection period is applied for and granted by DNRC. The final water right cannot exceed the maximum expected volume applied for initially. Cumulative impacts with this action, the issuance of the MPDES permit, are limited to the smaller volume of water use described in the MPDES permit application because before MAWC may increase their wastewater discharge volume, they must apply for and obtain a major modification of the MPDES permit. Major modifications to MPDES permits undergo a new MEPA review and public participation process. Thus, in order to receive the full water right, a MPDES permit modification and public process is required before the facility may to discharge additional wastewater.

Many commenters included a general statement opposing the project or stated that more study was needed without providing any substantive reason or basis. Likewise, many commenters simply stated that

the environmental assessment or permit fact sheet was insufficient, without providing a substantive basis or explanation for why the documents were insufficient. These comments are noted, but, because they are not substantive, they are not specifically responded to and resulted in no changes to the final permit.

Comments were received about potential health concerns related to the use of plastic bottles for drinking water. Likewise, comments were received related to potential pollution resulting from disposal of PET plastic bottles. These comments are noted for the record, but are outside the scope of this action and not considered in the final determination.

Several commenters mentioned the effect of plastic bottle production, and shipping of bottled water, on climate change. Under §75-1-201(2)(a), MCA, an environmental review may not include review of actual or potential impacts beyond Montana's borders. These comments are noted for the record, but are outside the scope of this action and not considered in the final determination.

Several commenters speculated about a large corporate takeover of MAWC. These comments are noted for the record, but are outside the scope of this action and were not considered in the final determination.

Commenters provided general statements about the facility's effluent quality degrading bull trout habitat. DEQ developed the permit in accordance with the rules guiding the issuance of discharge permits. MPDES permits regulate point source discharges of pollutants to state surface waters by developing effluent limits, monitoring requirements, and other conditions to protect beneficial uses of state waters, including growth and propagation of salmonid fishes when applicable. Impacts on bull trout are assessed in the EA at Section 6. Significant adverse impacts to bull trout or bull trout habitat are not expected.

Several comments were received regarding the inappropriateness of bottling water and shipping it out of state. How state waters are utilized once an appropriation is granted are under the purview of DNRC and not relevant to the MPDES permit.

Many commenters requested that DEQ require an EIS without providing any substantive basis. These comments are noted. Substantive comments regarding the MEPA process are addressed below in Section II of this response to comments document. An EIS is not being prepared for this state action because no significant impacts, as defined at ARM 17.4.608(1), associated with the proposed action have been identified. See Section 27 of the EA.

Because many commenters submitted similar comments, the table below identifies individuals whose comments were selected as representative of the substantive comments received on the fact sheet and draft permit and addressed in Section I of this response to comments document. A full list of commenters is attached to this response to comments document.

Representative Sample of Persons Submitting Substantive Comments on the Fact Sheet and Draft MPDES Permit MT0031861	
Number	**Commenter**
1	Carson Coate, Media Programs Supervisor, United States Environmental Protection Agency
2	Tom Tucker
3	Robert M. Gentry, Gentry & Nelson Merrill Law Group, PLLC
4	Randal Shogren

Representative Sample of Persons Submitting Substantive Comments on the Fact Sheet and Draft MPDES Permit MT0031861	
Number	**Commenter**
5	Amy Waller
6	Tara Carolin
7	Vance Carolin
8	David and Pamela Eychner
9	Adele Zimmerman
10	Jodi L. Bush, Field Supervisor, U.S. Department of the Interior, Fish and Wildlife Service
11	Bob Storer
12	Flathead Lakers
13	Cynthia Edstrom and Steve Moore

Section I. Responses to Comments on the Fact Sheet and Draft MPDES Permit MT0031861

Commenter 1. Carson Coate, U.S. EPA

Comment 1: The proposed facility plans to use water from an artesian well to provide non-contact heating water and process rinse water for plastic bottle manufacturing before discharging that water to an unnamed tributary of the Flathead River. The fact sheet seeks to characterize the effluent, receiving water instream data quality, and receiving water flow value based on a very small data set, with a number of assumptions that are not explained or justified.

a) To characterize the effluent in the discharge, the facility operator provided two sample analyses performed on raw public water supply well water. The fact sheet does not clearly indicate if the samples were collected from the same well the facility will be using, or a different well in the vicinity of the facility. Please identify the source of the samples Table 1 used to characterize the effluent and, if different from the source well providing water to the proposed facility, please explain why the sample well is representative of water quality in the source well.

b) The two sample analyses used to characterize the effluent were collected in February 2014 and March 2015. Although the groundwater in the supply well may have stable concentrations for the parameters analyzed, it is possible that those parameters are subject to seasonal or other variability. Since the permittee is a new source and antidegradation requirements apply, the EPA recommends that additional data be collected to ensure the effluent is adequately characterized, if no additional data is available, please provide a rationale for concluding that the two samples are representative of the parameters and concentrations generally present in the source well water.

c) The fact sheet relies upon the two sample analyses of raw well water to characterize the effluent from the plant. It is possible that non-contact heating water and process rinse water for plastic bottle manufacturing do not contain pollutants. However, the fact sheet does not provide any information to support this assumption. Further, the permit does not require monitoring during the first two years of operation to confirm the assumption. EPA's permit regulations at 40 CFR § 122.21(k)(5)(vi) require that where such monitoring data is unavailable, the permittee must submit items V and VI of NPDES application Form 2C within two years after commencing discharge.

d) Finally, the critical low flow value for the unnamed tributary and the characterization of the receiving water quality are based on a single sample. Even if the tributary is dominated by groundwater, its characteristics may vary seasonally or interannually. Given the importance of characterizing the receiving stream for the reasonable potential analysis and implementing Montana's Nondegradation Policy, the EPA recommends that additional data be collected to ensure variability in the receiving stream is adequately characterized. If no additional data is available, please provide a rationale for concluding that the single sample is representative of the parameters and concentrations generally present in the unnamed tributary to the Flathead River and add monitoring requirements to validate this assumption.

Response: On October 17, 2016, Brad Bennet of Applied Water Consulting, Project Hydrogeologist for MAWC, submitted additional information regarding the hydrogeologic conditions at the site.

1.a The two samples were collected from two different wells located at the property. The first sample collected in February of 2014 was collected from the Weaver's domestic well. The domestic well is located 965 feet south of the production well. The Weaver's domestic well is completed in the same source aquifer at a total depth of 208 feet below ground surface (bgs). A copy of the well log (GWIC#128143) is available. The well derives water from the open bottom of the casing and is not screened or perforated. The production well (GWIC# 281779) drilled to supply the bottling facility was drilled to a total depth of 222 feet bgs and is screened from 203 to 221 feet bgs. The second water quality sample was collected from this well in March of 2015. The proximity of the two wells combined with the similar completion zones and identical water quality indicate that the wells are completed in the same source aquifer. Therefore, both samples are representative of expected water quality in the production (source) well.

Also see Response 1.c

1.b A third water sample was collected from the MAWC production well in April of 2016. Table 1 from the Fact Sheet has been updated to include these sample results and is shown in Attachment 1 of this response to comments. These results provide additional confirmation of the consistent quality of water derived from the aquifer in this area.

Also see Response 1.c

1.c Water discharged from Outfall 001will be from a non-contact heat exchange system. The chemical composition of the water will remain unchanged and the only pollutant of concern is temperature, which is addressed in the Fact Sheet.
Outfall 002 will discharge bottle rinse water. The bottling system is designed as a public water supply system and has undergone review and approval by the DEQ Public Water Supply program. The bottles are constructed of polyethylene terephthalate (PET), which is approved as safe for food and beverage use. The sole purpose of rinsing the bottles prior to filling is to ensure no dust or other minor detritus are

in the finished product. The permit appropriately limits the discharge of total suspended solids. No other process related contaminants are expected to be present in the facility effluent.

The final permit will include additional monitoring and submission of Parts V and VI of Form 2C during the first two years of the permit cycle. See Part I.D of the final permit.

1.d The receiving stream is derived from groundwater and the source is relatively near the proposed facility. During the April 11, 2016, DEQ site visit, a local resident stated that the flow in the receiving stream is relatively constant year round. A slight increase in flow may occur during periods of snow melt in the spring, otherwise baseflow is relatively constant. This is consistent with the expectation for stream flow when the primary source is groundwater. Further evidence of the groundwater dominant flow is provided by the water quality data and similarities between the receiving water, the facility source water, and the domestic well, as shown in Table 1 of the Fact Sheet.

Comment 2: The fact sheet states that based on the critical low flow value and the maximum expected discharge, the effluent may cause a 30% increase over the critical low flow. The fact sheet concludes the change in flow is nonsignificant and cites ARM 17.30.715(3) and MCA 75-5-301(5), however, the potential flow increase exceeds the antidegradation trigger value of 10% cited in ARM 17.30.715(1)(a). ARM 17.30.715(3) does not appear to provide that a determination of non-significance can be made without additional review if a trigger value is exceeded. Please identify what provision of ARM allows a determination of non-significance to be made after a trigger value is exceeded.

Response: The flow values listed in ARM 17.30.715(1)(a) are not trigger values. They are criteria for determining nonsignificant changes in water quality. Trigger values are found in Department Circular DEQ-7 and do not apply to flow. When either flow restriction listed in ARM 17.30.715(1)(a) is met, then the change in flow may be considered nonsignificant. The 30% increase stated in the fact sheet is based on the instantaneous maximum discharge rate applied for in the permit application. The average discharge rate is expected to be significantly lower and the non-significance criteria of ARM 17.30.715(1)(a) is based on an increase or decrease in the mean monthly flow of the receiving stream by more than 15 percent or the seven-day, ten-year low flow by less than 10 percent.

Additional information provided by the applicant shows that the average water use estimated for the annual heating of the facility, based on annual heating load for the building as constructed and the climate of the Kalispell area is anticipated to be 4,002,956 gallons of water. The majority of this water will be utilized over a six month period from October through March each year. The average discharge will therefore be approximately 22,238.6 gallons per day, or 15.5 gpm.
Average water use for the bottling facility, as stated in the Technology-based Effluent Limitations (TBEL) discussion of the fact sheet, is expected to be approximately 1.8 gpm.

In combination, the proposed discharge will increase the mean monthly flow of the receiving water by approximately 17.3 gpm from October through March. Using the fact sheet's receiving water low flow value of 219.5 gpm, 17.3 gpm represents an approximately eight-percent increase of the mean monthly flow of the receiving water.

Further, as stated in the fact sheet, pursuant to ARM 17.30.715(3) DEQ finds no known human health, aquatic life, or other beneficial uses that would be significantly impacted by even the 30% increase in flow based on the projected instantaneous maximum discharge rate.

Comment 3: Changing the flow regime of a stream can potentially affect its physical, chemical, and biological characteristics (Novak et al., 2015). The fact sheet has a limited discussion and no analysis

demonstrating why DEQ has concluded this change in streamflow is nonsignificant. Please provide your analysis demonstrating how you concluded the increase in flow is nonsignificant.

Response: See response to Comment 2. The receiving water is an unnamed tributary to the Flathead River that is derived from groundwater springs. It is not a typical headwater stream. Rather it collects groundwater and drains it away from agricultural fields. As shown in Table 5 of the fact sheet, the receiving water is nearly identical to the groundwater source of the discharge. The channel flows straight and parallel to the subject property boundary both above and below the proposed discharge points. Given the similarities between the receiving water and the discharge water, the relatively small volume of discharge, and the channelized nature of the receiving water, the discharge associated with the bottling facility will not significantly affect the physical, chemical, or biological characteristics of the receiving water.

Commenter 2; Tom Tucker

The majority of the comments submitted by Mr. Tucker were about the Environmental Assessment and the MEPA process. These comments are addressed in the EA discussion below. Comments specifically about the discharge permit are as follows:

Comment 4: Data that has been provided on water quality has been limited to characterization of the source water, and no data is presented on the actual analysis of the water that is to be discharged. If necessary to obtain this data, MAWC should be required to obtain it by operating at a very low level of production. If permits are necessary to obtain this data, they should only be approved for a defined period of time, and then should lapse, requiring additional permit applications based on the data obtained…

Response: See the response to the EPA's comment 1.c above. The permit, as applied for, is for a level of operation consistent with the "very low level of production" suggested in the comment. The draft permit contains reopener provisions that allow DEQ to reopen and modify the permit if new data suggests the limits in the permit are inappropriate. Additionally, permits require reapplication and renewal every five years with new permit requirements applied as appropriate.

Comment 5: MAWC should prepare a detailed business plan describing how the bottling plant will be ramped from initial start up to full build out. The business plan should include how the bottled water is to be marketed and distributed, and should include a competitive analysis. Funding of the project should also be disclosed to determine the viability of the project, and operating statements and cash flow should be modeled.

Response: The MPDES permits regulate point source discharges of pollutants to state surface waters by developing effluent limits, monitoring requirements, and other conditions to protect beneficial uses of state waters. The discharge permit is based on protecting water quality from the proposed discharge as described in the application forms required by the MPDES program when issuing discharge permits. The permit conditions are based on a review of this information and any available water quality data. Changes to the proposed discharge resulting from changes in the projected operation of the facility will require submission of updated permit applications and may result in the imposition of additional or modified permit conditions at that time.

Here, DEQ has no authority to require the submission of business plans describing marketing strategies, competitive analyses, project viability, or disclosure of funding sources and cash flow.

Comment 6: MAWC should prepare a detailed facility and operating plan. It is extremely difficult to determine the environmental impact of this project, including the need for utility and road upgrades, without knowledge of the detailed size and construction phasing of the facility. The operating plan should include the services required, and the phasing of facility build out and equipment installation. The impact and timing for improvements on roads and utility services should also be included in the report.

Response: See the response to comment 5. DEQ has prepared the fact sheet, permit and environmental assessment for the proposed discharge. Analysis of environmental impacts associated with additional phases or build out of the project are not direct, secondary or cumulative impacts of this action and are outside the scope of this permit action. Any additional discharge from future project phases will require a permit modification, further public process, and new MEPA analysis. See Section 26 of the EA for discussion of the cumulative impacts of this action with other state actions.

See also the responses to EA comments.

Commenter 3; Robert M. Gentry, Gentry & Merrill Law Group PLLC

The majority of the comments submitted by Mr. Gentry were about the Environmental Assessment and the MEPA process. These comments are addressed in the EA discussion below. Comments specifically about the discharge permit are as follows:

Comment 7: The commenter asserts that in addition to the two outfalls permitted in the MPDES permit, there is a third outfall, for a discharge to groundwater, that DEQ did not address.

Response: The permit application did not disclose a discharge to groundwater. DEQ contacted the applicant's project hydrogeologist regarding potential discharges to groundwater that could be subject to DEQ review, approval, or permitting requirements. The only groundwater discharge at the site is for domestic waste via a drainfield. The drainfield was reviewed and approved by Flathead County and is sized such that it is not subject to MPDES or Montana Ground Water Pollution Control System permitting requirements.

Comment 8: The MPDES Form 1 submitted by MAWC lists only Non-Process Wastewater as the type of discharge permit requested for Outfall 002. This form fails to disclose Process Wastewater, Sewage Discharge to Groundwater, and Industrial Wastes to Groundwater that will result from MAWC's commercial bottling operation.

Response: During permit development DEQ determined that the discharge from Outfall 002 is considered process wastewater and is subject to federal effluent limitations guidelines (ELGs) and technology-based effluent limitations (TBELs). The permit includes TBELs appropriate for a discharge of process wastewater from a water bottling plant. Additional monitoring requirements are included in the final permit to address permit application requirements, as specified in response to comment 1.c from the EPA.

The permittee is not authorized to discharge industrial waste to ground water under the MPDES permit. Any discharge of industrial wastes to ground water is not authorized by this MPDES permit. See also the Response to Comment 5.

Comment 9: Water used to rinse bottles will be discharged to the floor of the plant and flow into a receiving floor drain that discharges to Outfall 002. Multiple contaminant sources associated with operation of the plant are in the immediate vicinity of this floor drain and unpermitted discharges of

contaminants to the unnamed tributary of the Flathead River at Outfall 002 are likely. Furthermore, in Form 2E, DEQ failed to require a description of effluent characteristics inclusive of contaminant sources contributing to discharge at Outfall 002.

No sampling or treatment is required of the floor drain water to mitigate potential contamination from the multiple contaminant sources within the proposed facility. There is no emergency shut off equipment to mitigate incidental spills, no measures described to prevent water contaminated from other sources (septic system overflow, etc.) from entering the floor drain and no physical separation between various facility operations to mitigate the risk of contaminant influx to the floor drain and Outfall 002.

Response: Supplemental application information received from the applicant on December 7, 2015, (letter from Brad Bennett dated December 1, 2015) states that "a bottle rinse station shall be installed with a catchment basin that drains directly to the floor drain through tubing. In this manner, water will not be splashing from the rinser to the floor before entering the drain."

The applicant also submitted a best management practices (BMP) plan to minimize the risk of spills or accidental releases that may report to the floor drain and Outfall 002. The BMP plan also outlined the response to be taken in the event of a spill or equipment malfunction.

The BMP plan is added to the final permit as a permit condition. Refer to Part I.D of the final permit. The permittee is required to update the BMP plan annually and to conduct and document routine inspections to ensure proper implementation of the BMP plan. Additional monitoring is added to the permit requiring any discharge, other than rinse water, which reports to the floor drain to be monitored immediately at the outfall for all permit required parameters, including the additional monitoring parameters added in response to Comment 1.c.

See also Response 1.c.

Commenter 4; Randal Shogren

Mr. Shogren also submitted comments on the Environmental Assessment and the MEPA process. These comments are addressed in Section II below. Comments specifically about the discharge permit are as follows:

Comment 10: The commenter is concerned the permit did not address the potential for toxic or potentially toxic compounds to leach from bottles manufactured from polyethylene terephthalate (PET) bottles and subsequently be released into the environment via the facility wash water/wastewater. These compounds include ethylene glycol, esters of terephthalic acid, antimony, and "perhaps others".

Response: DEQ based the permit requirements and decisions regarding the contaminants potentially present in the effluent on the EPA's Effluent Limitations Guidelines for the Cleaning Water Subcategory [40 CFR Part 463, Subpart B] and analytical results reported on the permit application. The compounds listed in the comment are not identified as pollutants of concern in need of technology-based effluent limitations by EPA and DEQ does not have data indicating that these compounds are, or will be, present in the facility discharge. PET bottles are approved for drinking water use. Nonetheless, additional monitoring to characterize the effluent discharged from the facility has been added to the final permit. If additional pollutants are identified as present and exhibit reasonable potential to exceed the water quality criteria, the permit may be reopened and modified to include effluent limits for these parameters.

See also Response to Comment 1.c

Commenter 5; Amy Waller

The majority of the comments submitted by Ms. Waller were about the Environmental Assessment and the MEPA process. These comments are addressed in Section II below. Comments specifically about the discharge permit are as follows:

Comment 11: The commenter submitted a comment similar to Comment 10. The comment also mentioned acetaldehyde as an ingredient in PET plastic bottles and the potential for this compound to be washed into the floor drain and discharged at the outfall.

Response: Please see the Response to Comment 10.

Comment 12: The geothermal temperature information is inadequate…the well water will be fairly constant (around 47 F for this area) and be reduced by 4 – 8 degrees before it is discharged. The discharge temperature will stay about the same but the tributary will become cooler in the winter. The 1 – 2 degree temperature differences allowed will (be) exceeded in the winter months. Also the unnamed tributary has variable flow during spring runoff and winter low flow and this was not addressed.

Response: Please refer to Part IV.C and Part IV.D of the Fact Sheet. Based on this analysis, the discharge does not have reasonable potential to cause or contribute to the exceedance of the water quality standard for temperature. The draft permit includes monitoring requirements for temperature in the discharge to confirm the applicant's projected discharge temperature and to ensure compliance with the water quality standards.

See also the Responses to Comments 2, 3, and 10.

Commenter 6; Tara Carolin

The majority of the comments submitted by Ms. Carolin were about the Environmental Assessment and the MEPA process. These comments are addressed in Section II below. Comments specifically about the discharge permit are as follows:

Comment 13: DEQ assumes no change in water quality between water pumped from the ground and the rinsate water used to rinse the bottles after the plastic has been heated and formed into bottles. Please base analysis on content of actual post-processing rinsate water from a PET plastic water bottle manufacturing process. Please consider water quality impacts from other operations, including use of magnesium chloride or similar products for dust abatement on neighboring roads. Will there be a garage facility for trucks? What other solvents and chemicals may be used in operation of the facility's equipment?

Response: DEQ was able to locate one source of effluent data from a water bottling facility in California that uses PET bottles [Crystal Geyser Olancha, Tentative Waste Discharge Requirements]. Rinse water was generally similar in quality to the source water being bottled under this proposed permit. In the California case, the rinse water effluent did show results above the detection limits, but below the maximum contaminant levels (MCLs) for some metals (personal communication with California Water Boards staff, January 5, 2017). The source of the metals was unknown and the discharger was required to conduct additional sampling for these parameters as a permit condition. DEQ reviewed these sample results and found that the metals results above detection limits were below Montana water quality standards. DEQ has added additional monitoring to the MAWC final permit to ensure the facility effluent is characterized for these additional parameters. Regarding potential water quality impacts from other

operations, such as the garage, see the response to Comment 9 and Comment 10. Dust abatement on area roads is discussed in Section II below.

Commenter 7; Vance Carolin

Mr. Carolin also submitted several comments about the Environmental Assessment and the MEPA process. These comments are addressed in Section II below. Comments specifically about the discharge permit are as follows:

Comment 14: The commenter submitted comments similar to those submitted by Commenters 3, 4, and 6, regarding other constituents that may be present in the facility effluent after rinsing the PET water bottles.

The commenter also specifically referred to the potential presence of endocrine disrupting chemicals leaching into the rinsate and their possible effect on aquatic life in the receiving water.

Response: Regarding additional potential constituents present in the facility rinsate, see the Responses to Comments 7, 8, 9, 10, and 13.

Endocrine disruptors are emerging contaminants of concern. DEQ staff have been actively involved in research to identify these potential contaminants and are working to update standards to address emerging issues. MPDES permits are issued for five year terms. As new information becomes available DEQ will evaluate the need for additional effluent limits and monitoring requirements and implement them in subsequent permit renewals.

Commenter 8; David and Pamela Eychner

The commenters also submitted comments about the Environmental Assessment and the MEPA process. These comments are addressed in Section II below. Comments specifically about the discharge permit are as follows:

Comment 15: The commenters submitted similar comments to Commenters 3, 4, 6, and 7, regarding other constituents that may be present in the facility effluent after rinsing the PET water bottles and DEQ's justification for not requiring additional analyses of wastewater from a similar bottling facility.

Response: See Responses to Comments for Commenters 3, 4, and 6.

Comment 16: Earlier data supplied by MAWC to Montana State agencies indicated that there would be fluoride, chlorine and chloride, among other chemicals that would be discharged in the tributary. The EA includes a number of substances in its data supporting the draft permit but I see none of the above noted chemicals which will be in the discharge water. Additionally, there is no mention of BPAs which accompany water in plastic bottles. Certainly if these chemicals are expected to be in the water after rinsing the plastic bottles these should ban an analysis of their impact on our environment.

Response: Please see page 4 of the Fact Sheet for the list of parameters reported to DEQ as present in the facility source water. DEQ analyzed the reasonable potential for parameters to cause or contribute to exceedances of a water quality standard, when necessary. Refer to Part IV.D of the Fact Sheet for more information. Chloride was detected at concentrations of 1.0 mg/L and 1.3 mg/L. There is no numeric water quality criterion for chloride. Fluoride was reported in one sample at 0.13 mg/L and non-detect in

the other. The water quality standard for fluoride is 4.0 mg/L and the nonsignificance criteria is 0.6 mg/L, therefore the reported concentration of fluoride is not significant. Chlorine is not present in the source water (ground water) and is not used in the bottling process. PET bottles do not contain BPA, and no BPA products are proposed for use at the facility. Therefore these parameters do not have reasonable potential to cause or contribute to an exceedance of the water quality standards and effluent limitations are not necessary.

Comment 17: ...it is apparent that the DEQ has shifted all responsibility to the MAWC operation because of the self-monitoring that is anticipated after approval. We find self-monitoring, alone, to be totally unacceptable and a dereliction of duties by DEQ to protect our environment. We are reminded of so many examples of corporate misdeeds and failures to protect the citizenry. We do not want another Flint, Michigan debacle in the Flathead.

Response: The MPDES program is a federally delegated Clean Water Act program. Self-monitoring has always been the basis of compliance monitoring for the MPDES program and its federal equivalent the National Pollutant Discharge Elimination System (NPDES) program. Permittees follow the monitoring requirements set forth in the permit and submit monitoring results to DEQ on Discharge Monitoring Reports. Permittees are required to keep copies of the laboratory reports for a specified period and monitoring data is reviewed by DEQ compliance inspectors. During facility inspections compliance inspectors also collect and analyze samples periodically for comparison to results reported by permittees.

Commenter 9; Adele Zimmerman

Ms. Zimmerman also submitted several comments about the Environmental Assessment and the MEPA process. These comments are addressed in Section II below. Comments specifically about the discharge permit are as follows:

Comment 18: This commenter submitted comments regarding the effect of the discharge on stream temperature, the potential presence of additional toxic chemicals in the PET bottle rinsate, the effects of potential endocrine disrupting chemicals, and concerns about the presence of BPA or similar compounds.

Response: All of the comments are similar to those submitted by commenters 3, 4, 5, 6, 7, and 8. See responses to those comments.

Comment 19: The commenter also submitted concerns about the amount of sediment that would occur in the tributary and the river as a result of turbulence resulting from the discharge of "over 40 million gallons per year of wastewater" and the effect of the discharge on banks and stability of the tributary as a result.

Response: The discharge permit is for a maximum flow of 60 gpm at Outfall 001 and 5 gpm at Outfall 002; approximately 34 million gallons per year. These flow values are maximum discharge flow rates. The actual discharge from the facility will be less than the maximum values most of the time and the discharges will not be continuous. The flow rate of the discharges is considered non-significant under the non-degradation rules and is not expected to have a significant adverse impact on banks and stability of the receiving tributary. See also, the Response to Comments 2 and 3.

Commenter 10; Jodi L. Bush, U.S. Dept. of the Interior, Fish and Wildlife Service

Comment 20: The commenter submitted concerns about unknown pollutants in the PET bottle rinsate, the lack of characterization of the rinsate, increased turbidity of the stream, temperature effects of the

effluent on the tributary, and the lack of requirements for measures to prevent accidental spills or releases of hazardous materials into the environment.

Response: Please see the Responses to Commenters 3, 4, 5, 6, 7, 8, and 9.

Comment 21: The commenter expressed concern for potential impacts to threatened bull trout and other species that may occur downstream as a result of the discharge.

Response: DEQ developed the permit in accordance with the rules guiding the issuance of MPDES permits. MPDES permits regulate point source discharges of pollutants to state surface waters by developing effluent limits, monitoring requirements, and other conditions to protect beneficial uses of state waters, including growth and propagation of salmonid fishes and associated aquatic life when applicable. Impacts on bull trout are also assessed in the EA at Section 6. Significant adverse impacts to bull trout or bull trout habitat are not expected. See also the Response to Comment 2.

Commenter 11; Bob Storer

Comment 22: Comments on the draft permit, page 5, Table 2. Effluent Monitoring and Reporting Requirements: The seven parameters listed are very basic. The minimum sample frequency is either weekly or monthly. This sample frequency is inadequate to determine impacts. There is no requirement to sample at a specific time of day to assess worse-case scenario… A more thorough and detailed monitoring requirement is required in order to show any discharge impacts.

Response: Given the technology-based effluent limits established by the permit and the lack of reasonable potential for establishing water quality-based limits, the parameters in the monitoring table are adequate to determine compliance with the permit effluent limits. The effluent quality is not expected to have a high variability on a daily or weekly basis and the monthly or weekly monitoring requirements in the permit are appropriate. The monitoring frequency is consistent with other industrial discharge MPDES permits. As noted in responses to previous comments, monitoring for additional parameters is included in the final permit to comply with federal rules requiring adequate characterization of the effluent once the facility begins operation. Future renewals of the permit may include additional monitoring requirements depending on the results from these analyses.

Comment 23: Draft permit Part III.J, pages 11 and 12: Part b. Four toxins are listed including acrolein; acrylonitrile; 2-methyl-4, 6-dinitrophenol; and antimony. Why are these toxins listed in the draft permit with "notification levels"? And, if these toxins could be expected in bottle rinsing wash discharge why are they not listed in Table 1 and required to be sampled at least on a quarterly basis? Additionally, why are the following chemicals (that have been shown in other water bottling plant discharges) not listed as potential bottling plant discharge and required to be monitored at least on a quarterly basis; acetone; other heavy metals; 2-butanone; and phthalates?

Response: The section of the draft permit (Part III.J) referenced in the comment is standard language included in all MPDES permits. All permittees are required to notify DEQ if a change in the wastewater or processes occurs that could result in the presence of these compounds in their wastewater. The four toxins listed are not listed in Table 1 of the permit because they are not expected to be present in the discharge from this facility. See also the responses to comments 4 and 13 regarding additional characterization of the facility effluent. Additional monitoring requirements are added to the final permit.

Comment 24: Will DEQ…follow-up if there is a problem or violation of the discharge associated with this permit?

Response: Yes. The permittee is required to submit Discharge Monitoring Reports and compliance determinations are made after each monitoring period. The permittee is also required to notify DEQ of any upsets or other instances of noncompliance with the permit. Notices of violation and formal enforcement actions are issued as necessary to return the permittee to compliance. On-site compliance inspections are also conducted at MPDES permitted facilities. Additionally, DEQ investigates citizen complaints regarding conditions at the site or in the receiving water that may be attributable to the facility discharge or to violations of the Montana Water Quality Act at the facility.

Commenter 12; Steve Rosso, Flathead Lakers

Comment 25: No information is provided about how the bottles will be manufactured on site, the chemical composition of the bottles, why the bottles need to be rinsed before filling, whether any materials (detergents or solvents) other than water will be used in the rinse water, or any information about contaminants that may be in the rinsate.

Response: Section II of the Fact Sheet describes the use of a Monobloc model RFC 18-18-6 rotary rinsing filling and capping machine for the bottling process. The rinsate is discharged to floor drains. No additional materials are used in the rinse water. The rinse process is necessary to remove any fine materials or dust from inside the bottles prior to filling. The Fact Sheet states that the bottles will be made of polyethylene terephthalate (PET). The bottles will be manufactured on site using PET parisons (preforms) which will be formed into drinking water bottles using a blow molding process. Regarding the potential presence of contaminants in the rinsate water, see the Responses to Commenters 3, 4, 5, 6, 7, 8, and 9.

Commenter 12; Cynthia Edstrom and Steve Moore

Comment 26: This commenter, and many others, submitted comments about the differences between the processes described in MAWC's pending DNRC water right application and the process MAWC applied for in the MPDES permit application. The DNRC application is for a water right from a 450 gallon per minute (gpm) well for use in the water bottling operation and the thermal discharge. Use of this volume of water would require up to 20 bottling machines. The MPDES permit application is for the discharge of wastewater from only one bottling machine. The commenters contend that DEQ must assess the use of the full water right that MAWC has applied for with DNRC and develop MPDES permit limits based on a discharge approximately 20 times greater than that which MAWC described in the MPDES permit application . This question is also the key component of all the comments received on DEQ's Environmental Assessment.

Response: When issuing an MPDES permit, DEQ must base its decisions on protecting the water quality from the proposed discharge. Since the discharge permit may effectively limit the facility below a full water right, MAWC may need to seek a permit modification to fully utilize a water right. DEQ must set the appropriate permit limitations and conditions accordingly.

Comment 27: The permit states under Part IV, page 13 under VI.A, "the permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. *Notice is only required when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged."* Since the permittee seems to be arguing that no pollutants would be discharged and the DEQ seems to agree in this permit –this means that MAWC can easily argue there is no need to notify when the massive build out is done as is planned under the DNRC application. The DEQ fact sheet page 14 of 21 states "no flow limitations will be included in the

proposed permit." DEQ appears to be abdicating any further assessment to the environmental effects of the 42-fold increase in effluent planned at full operation of MAWC.

Response: The language quoted in the comment is standard language included in all MPDES permits. The commenter's interpretation of the language is incorrect. This permit includes technology-based effluent limits (TBELs) derived from federal Effluent Limitations Guidelines. The TBELs are load limitations on the pounds per day of various pollutants the facility is allowed to discharge. These limitations are based on the average flow rate of the discharge. Any increase in production that would result in an increased discharge rate would trigger the permit notification requirement quoted in the comment. Upon notification that the permittee intends to increase production, DEQ would require submission of an updated permit application to modify the permit. Increased discharge rates would require, at a minimum, the development of new TBELs. An increase in flow would also result in the permittee being subject to additional requirements to satisfy the State's nondegradation policy at MCA 75-5-303. Increased discharge would also subject the permittee to additional mixing zone analysis and could result in new water quality-based effluent limitations for parameters like temperature, dissolved oxygen, or any other parameter identified that may have reasonable potential to cause an exceedance of water quality standards.

Comment 28: No explanation is given by either the applicant or the DEQ as to how the high quality waters of the unnamed tributary will be protected from the nature of Effluent 002. This effluent is used to rinse the plastic bottles before they are filled and then runs down through a floor drain into the unnamed tributary. What prevents oil, grease, overflowing toilets, trash and anything on the floor in this plant from being flushed down the drain and into the tributary and thus the Flathead River? There needs to be an emergency plan as well as some system to catch any floor and facility contaminants before they reach the tributary. The destination of effluent 002 was listed as a drain field in the DNRC application as opposed to an outfall into Unnamed Tributary in the DEQ application. Where is this effluent really going?

Response: The bottle rinsate effluent will discharge at Outfall 002 and is covered under this MPDES permit. Domestic wastes will be discharged to an onsite septic system and drainfield and are not subject to an MPDES permit.

See also the Response to Comment 9.

Comment 29: No information has been provided regarding the actual expected composition of the rinsate. The samples provided by MAWC were of its well water, which is of course, pristine, as is the nature of this water. Before permitting this effluent, actual industry information must be made available to the DEQ and fully examined. Analysis of the well water gives no information about what will actually be in the effluent and is therefore invalid as representative of the bottling operations.

Response: See the Response to Comment 13 and 1.c.

Comment 30: This effluent is clearly in contact with plastic bottle material, machinery and whatever may be on the facility floor. The application was only for non-contact water based on the for used, and thus the application isnt' even on the right form. This is misleading and the fact that this is contact water should be admitted, addressed properly and the appropriate forms submitted to the DEQ.

Response: See the Response to Comment 8. Adequate information is available to develop the draft permit. As noted in response to the EPA comments above, DEQ is requiring additional monitoring of the facility effluent within the first two years of facility operation.

II. Response to Comments on Draft Environmental Assessment

In addition to the draft permit and fact sheet for the Montana Artesian Water Company's wastewater discharge, DEQ Public Notice MT-16-16 included a draft Environmental Assessment (EA). The majority of comments received during the comment period were on the draft EA.

DEQ identified numerous common themes and issues during the review of the comments. DEQ is not responding specifically to each individual who submitted comments. The commenters in the table below are selected for individual responses. DEQ considers these comments a representative sample of the issues presented by all commenters. A complete list of all those who submitted public comments is attached to this response to comments document.

One overarching issue reiterated in almost all the comments on the EA was that the use of the full water right from DNRC, and resulting increase in projected facility production rates, would result in massive industrial disturbance and environmental harm to the area. Such potential impacts, as related to this action, are addressed in the EA's cumulative impacts analysis. DEQ amended the cumulative impacts section of the EA as follows:

Cumulative effects, as defined under MEPA, related to the issuance of the DNRC water right are limited to those commensurate with the operation of the facility as proposed in the MPDES permit application. When applying for a water right through DNRC, applicants first apply for the maximum expected volume of water needed. Should MAWC be granted the full water right under consideration by DNRC, they enter a perfection period which is a reasonable timeframe to determine the actual volume of water that will be used. At the end of this perfection period, MAWC must submit a notice of completion and demonstrate actual water use during the last year of the perfection period. The water right is then capped at this volume of water unless an extension of the perfection period is applied for and granted by DNRC. The final water right cannot exceed the maximum expected volume applied for initially. Cumulative impacts with this action, the issuance of the MPDES permit, are limited to the smaller volume of water use described in the MPDES permit because before MAWC may increase their wastewater discharge volume, they must first apply for and obtain a major modification of the MPDES permit. Major modifications to MPDES permits undergo a new MEPA review and public participation process. Even if MAWC does receive the full water right, the volume of wastewater that may be discharged is limited by the MPDES permit until another MEPA review occurs. The impacts of the DNRC water right, beyond the volume of water commensurate with the MPDES permit application, are limited to those related to water appropriations, are not relevant to the MPDES permit, and are analyzed by DNRC when granting the water right. See Section 26 of the EA.

Many commenters requested that DEQ require an EIS without providing any substantive basis. These comments are noted. Substantive comments regarding the MEPA process are addressed below. In response to these general comments DEQ added a section to the EA setting forth the criteria the Department considers in determining the significance of impacts. See Section 27 of the EA.

Also, it is important to note that the MEPA process only applies to state actions. The state action taken here is the issuance of an MPDES permit. The MPDES permit does not authorize the construction or operation of the water bottling facility. Unlike other major permitting projects, such as new mines, where DEQ has authority to approve and regulate the construction and operation of the entire project, here DEQ is only authorizing the discharge of wastewater to state waters pursuant to permit limitations and conditions for a private project, located entirely on private property, the construction of which DEQ has no authority to approve or deny.

List of Persons Submitting Substantive Comments on Draft Environmental Assessment for MPDES Permit MT0031861	
Number	**Commenter**
1	Lew Weaver, Montana Artesian Water Company
2	Robert M. Gentry, Gentry & Nelson Merrill Law Group, PLLC; Water for Flathead's Future
3	Adele Zimmerman
4	David and Pamela Eychner
5	Amy Waller
6	Tracey Pixley
7	Cynthia Edstrom and Steve Moore

EA Commenter 1: Lew Weaver, Montana Artesian Water Company

EA Comment 1: It is important to note that the bottling plant operation commensurate with the draft MPDES permit uses a dramatically lower volume of water than the pending water right application seeks. The MPDES permit contemplates that the bottling plant would use approximately 23 gpm and a maximum of 10.47 acre-feet per year. The non-consumptive geothermal water use is anticipated to divert and discharge 60 gpm or 12.28 acre-feet per year. In contrast the water right application under consideration by the Department of Natural Resources and Conservation (DNRC) requests up to 450 gpm and 710.53 acre-feet per year.

Any expansion of the bottling plant operation that would increase the discharge volume beyond the MPDES permitted discharge would require amendment of the MDPES discharge permit and additional environmental analysis. Therefore, analysis of impacts from the larger volume operation is not appropriate in this EA. Reference to the water right, especially in the "Summary of Issues," "Water Quality, Quantity and Distribution," "Demands on Environmental Resources of Land, Water, Air or Energy" and "Cumulative Effects" portions of the EA, should clarify the differences between the water right and the discharge permit.

Response: DEQ generally agrees with the comment and adjustments to the final EA are made where appropriate.

Because the MPDES permit imposes technology-based effluent limitations based on the average flow of wastewater discharged from one bottling machine, the permit limits MAWC's ability to increase the discharge volume without amending the permit. Any potential increase in the facility production beyond that regulated by the MPDES permit is outside the scope of this action and is not considered a direct, secondary, or cumulative effect related to the issuance of this discharge permit. See the cumulative discussion above, and Section 26 in the final EA.

EA Comment 2: EA Section 1. Geology and Soil Quality, Stability and Moisture: Soils in the vicinity of the discharge are not fragile, erosive, susceptible to compaction or unstable. There are no unusual or

unstable geologic features in the area. There are no special reclamation considerations. For both outfalls, the discharge shall be 0.8 feet below the surface of the receiving water: therefore, no adverse impact to geology or soil is expected.

Response: DEQ generally agrees with the comment. DEQ does not expect the discharge, as described in the MPDES permit application, to have a significant impact on the geology, soil quality, stability or moisture in the area. Also see the response to EPA's Comment 3 on the fact sheet and draft permit.

There are no unusual or unstable geologic features or special reclamation considerations. The disturbance area necessary to construct the outfall will be relatively small and, therefore, no adverse impacts to geology, soil quality or stability are expected as a result of construction and installation of the outfalls.

The main building necessary for operation of the water bottling facility at a production level commensurate with the MDPES permit application is already onsite and is located entirely on private property. No additional impacts to area soils and geology are expected from this building or from the water bottling operation in or near the building. The construction and operation of an expanded facility to accommodate production based on the full water right sought from DNRC is not considered a cumulative impact, and is outside the scope of this action. See the cumulative discussion above and in Section 26 of the final EA.

EA Comment 3: EA Section 2. Water Quality, Quantity and Distribution: Clarify that the slight increase in water quantity is not significant. Also clarify that any temperature or water quality changes caused by the discharge are expected to be within regulatory limits and that the draft permit requires temperature monitoring for verification as well as numeric and narrative standards to ensure protection of water quality. Revise the last sentence to state that DNRC found no significant impact to water quantity resulting from use of a much larger volume of water than is contemplated by this MPDES permit application.

Response: DEQ reviewed this section of the EA in response to this comment and others. The final EA is amended to include the following:

The MPDES permit includes effluent limits, monitoring requirements, and other permit conditions that will ensure the water quality standards and beneficial uses are protected. The permitted discharges from outfalls 001 and 002 will cause a slight increase in water quantity within the receiving water. This increase is less than the nondegradation criteria in ARM 17.30.715 and therefore nonsignificant.

The Department of Natural Resources and Conservation (DNRC) EA for Water Use Permit 76LJ30102978, completed January 7, 2016, evaluated a much larger groundwater withdrawal than is proposed in the MPDES permit. DNRC found no significant impact to groundwater quantity as a result of this appropriation. Because the withdrawal of water necessary for operation of the project consistent with the MPDES permit conditions is much smaller, the discharge permit is likewise expected not to significantly impact groundwater quantity.

EA Comment 4: EA Section 3. Air Quality: The impact of roadway dust is a secondary impact and is more appropriately discussed in Section 26.

Response: Under ARM 17.4.603(18) secondary impacts are those impacts that are stimulated, induced, or otherwise result from a direct impact of the action. The impact of roadway dust resulting from construction and operation of the water bottling facility is not a direct impact of the issuance of the discharge permit. The generation of roadway dust resulting from construction and operation of the water bottling facility is also not a secondary impact because it is not "stimulated or induced by or otherwise

resulting from a direct impact of the action." The "action" is issuance of MPDES Permit No. MT0031861 authorizing discharges from the proposed bottling facility to state surface water. Direct impacts of the action are limited to the impacts of the effluent on the receiving water and impacts related to the construction, operation, and maintenance of the outfalls. Impacts on air quality resulting from issuance of the MPDES permit will be due to construction dust, which will be short-lived and associated with disturbance during installation of the discharge lines and outfalls.

The issuance of the MPDES permit, the wastewater discharge, and the construction of the outfalls are not expected to result in significant impacts on air quality. Short term impacts to air quality from dust may occur as result of disturbance when constructing and installing the discharge lines and outfalls. These short term impacts are not expected to be significant.

Flathead County implements a successful dust control program. Dust from construction and traffic will be controlled to levels required by the DEQ Air Quality Program pursuant to ARM 17.8.304 and ARM 17.8.308.

Section 3 of the final EA is amended to provide a summary of the above clarifications. Also, see the Response to EA Comment 27.

EA Comment 5: EA Section 4. Vegetation Cover, Quantity, and Quality: The project will not cause major land disturbance or significantly impact the local vegetative community. None of the plant species of special concern are identified by the USFWS as threatened or endangered.

Response: The final EA at Section 4 provides that this project is located in an area that is comprised of developed residential and agricultural property. It is not anticipated that any of the plant species of special concern, identified by the Montana Natural Heritage Program, will be significantly impacted by the construction and installation of the outfalls, by the permitted discharge, by the operation and maintenance of the outfalls, or by operation of the water bottling facility commensurate with the MPDES permit application. The state action, issuance of the MPDES permit, is not expected to cause major land disturbances or to significantly alter the vegetative community.

At this time, none of the plant species of special concern have been added to the federal list of threatened and endangered species (50 CFR 17.11 (wildlife) 50 CFR 17.12 (plants)). See page 4 of DNRC's EA for Groundwater Use Permit 76LJ30102-978.

EA Comment 6: EA Section 5: Terrestrial, Avian and Aquatic Life Habitats: The project is located in a well-developed residential and agricultural area; therefore, there is no significant impact to wildlife, birds, or fish.

Response: Section 5 of the final EA indicates no significant impacts to terrestrial, avian, and aquatic life are expected to occur as a result of issuance of the MPDES permit.

The permit will incorporate effluent limits and permit conditions that will ensure water quality standards that support aquatic life are protected. The project is located in an area that is comprised of developed residential and agricultural property. The land disturbance associated with the outfalls and discharge are small and are not expected to cause significant direct impacts on terrestrial, avian, or aquatic life habitats.

The building and road approach for the project are already completed and located on private property. The construction and operation of the water bottling facility is a private development and not state actions.

Cumulative Impacts: Impacts from construction and operation of the water bottling facility at a production level commensurate with the MPDES permit requirements is not expected to result in significant cumulative impacts to terrestrial, avian, and aquatic life and habitats. See Section 26 of the EA.

EA Comment 7: EA Section 6: Unique, Endangered, Fragile or Limited Environmental Resources: The unnamed tributary is not suitable bull trout habitat due to its low flow, narrow straight channel, silty substrate and short distance.

Response: Eleven animal species and seven plant species of special concern were identified by the Montana Natural Heritage Program to potentially be in the project area. The discharges to the unnamed tributary are proposed to be located approximately 1,300 feet from the confluence of the receiving water with the Flathead River, which is considered Bull Trout habitat (a threatened species) at this location. The unnamed tributary is not suitable Bull Trout habitat. Nonetheless, the permit limits will protect aquatic life in the unnamed tributary and will prevent impacts to Bull Trout in the Flathead River. Direct impacts to aquatic life resulting from construction of the outfalls and from the permitted discharge are not expected to be significant.

The building and road approach for the project are on private property and are private development actions. These activities are not direct or secondary impacts of the MPDES permit.

Cumulative Impacts: Related future actions under concurrent consideration by DNRC, addressed in DNRC's EA, have been considered by DEQ and are not expected to result in significant cumulative impacts to unique, endangered, fragile, or limited environmental resources including bull trout. See Section 26 of the final EA.

EA Comment 8: EA Section 9: Aesthetics: the term moderately developed should be changed to well-developed for consistency throughout the EA. Additionally, the project operates in an enclosed 10,000 square foot metal insulated building. Other than minimal traffic, there is no outside noise. The only outside light will be a night down light on each side of the building that can be turned off and on as needed. The hours of operation are estimated at ten hours per day, six days per week or less. Such an operation will not have significant noise or light impacts.

Response: The project is in an area comprised of developed residential and agricultural properties. The constructed building is not located on a prominent topographic feature and due to the surrounding developed land; this project is not expected to adversely impact a scenic area.

Cumulative impacts: The main building planned to house the water bottling facility at a production level commensurate with the MDPES permit application is already constructed onsite and is located entirely on private property. Operation of the facility will result in minimal noise from traffic and there is a night down light on each side of the building that can be turned off as needed to mitigate impacts. The hours of operation are estimated at ten hours per day, six days per week or less. Any additional, related impacts on aesthetics associated with operation of the water bottling facility are not expected to be significant.

See Section 9 of the final EA.

Potential impacts related to the construction and operation of the facility were raised by many commenters on the draft EA. Impacts arising from construction and operation of the water bottling facility are not direct or secondary impacts of this state action, issuing the MPDES permit.

The construction and operation of a larger building designed to accommodate a water bottling facility that would utilize the full water right sought from DNRC is outside the scope of this action at this time. The potential impacts from such a facility are currently unknown, and not addressed by this EA.

EA Comment 9: EA Section 10: Demands on Environmental Resources of Land, Water, Air, or Energy: Clarify that the area has not been designated as a closed basin or groundwater control area. Further, DNRC has noted no significant impact caused by the withdrawal of a significantly larger volume of groundwater therefore, the project will not use water resources that are limited. No upgraded power lines or other energy source are needed as the building is currently served by an 800-foot extension of three-phase power.

Response: The project will use groundwater as its source. Water rights are regulated by DNRC, which found that granting the water right would not have a significant impact on water resources (see page 3 of DNRC's EA for Beneficial Water Use Permit 76J30102978). This MPDES permit action will authorize the discharge to state waters of significantly less water than the full volume authorized by the DNRC water right. DEQ finds the volume discharged consistent with the requirements of the MPDES permit will not significantly impact ground water resources. The area is not designated as a closed basin or groundwater control area. The water bottling building is currently served by an 800-foot extension of three-phase power. No upgraded power lines or other energy source are needed.

See Section 10 of the final EA.

EA Comment 10: EA Section 12: Human Health and Safety: There are no known safety risks with the project and it will need to comply with safety requirements administered and enforced by the Montana Department of Labor and Industry.

Response: Effluent limits and permit conditions will ensure water quality standards supporting human health are met. Worker safety during construction and installation of the outfalls is subject to applicable requirements of federal and state law.

Potential impacts related to the construction and operation of the water bottling facility were raised by many commenters on the draft EA. The construction and operation of the facility are not state actions and are not direct or secondary impacts of the state action (issuance of the MPDES permit).

Cumulative Impacts: Operation of the water bottling facility commensurate with the conditions of the MPDES permit will result in minimal effects on human health and safety in the form of noise, dust, light, etc. as described in previous sections of the EA. The construction and operation of any expanded facility utilizing the full water right sought from DNRC is hypothetical and are not addressed by this EA.

EA Comment 11: EA Section 13: Industrial, Commercial and Agricultural Activities and Production: The building is already on-site; therefore, no additional land is being taken out of agricultural production as a result of this project. The project is a new industry in the area and does not add to any existing industrial or commercial activities.

Response: Section 13 of the final EA is revised as follows:

The permitted outfalls and discharge are not expected to significantly add to or alter industrial, commercial, and agricultural activities and production in the area.

The construction and operation of the water bottling facility are not state actions and are not direct or secondary impacts of the state action.

Cumulative impacts: Operation of the water bottling facility commensurate with the MPDES permit requirements will result in an additional industrial enterprise in the area. Because the water bottling facility building is already in existence and the site is already developed, no additional impacts to agricultural or other commercial activities are expected to occur.

EA Comment 12: EA Section 14: Quantity and Distribution of Employment: Change to yes. Two to six employees will be hired to operate the project. Additionally, five to nine professional service providers will be contracted to work on this project.

Response: DEQ notes the addition of two to six permanent jobs and five to nine temporary positions as a result of construction and operation of the water bottling facility. DEQ does not consider these changes in employment to be direct or secondary impacts of the state action (issuance of the MPDES permit). DEQ does not consider this a significant impact.
The operation of the water bottling facility commensurate with the MPDES permit requirements may add two to six permanent positions and result in five to nine professional service contracts for work related to the project.

See Section 14 of the final EA.

EA Comment 13: EA Section 15: Local and State Tax Base and Tax Revenue: Change to yes. As a new business, the project will create new tax revenue.

Response: DEQ acknowledges and agrees the operation of the water bottling business will create new tax revenue. In addition, fees to the state and local government are required to apply for and maintain an MPDES permit and other development permits. These fees are not expected to be significant.

See Section 15 of the final EA.

EA Comment 14: EA Section 16: Demand for Government Services: The project will use one to three trucks per day for transportation of products. The project is located in an already well-developed residential and agricultural area; therefore impacts to public services will not be significant.

Response: Flathead County has already approved a road approach for the water bottling project (AE-2937). Construction of the outfalls and the permitted discharge authorized by the MPDES permit is not expected to result in direct or secondary impacts on traffic, schools, or other government services.

Potential impacts related to the construction and operation of the facility were raised by many commenters on the draft EA. The construction and operation of the water bottling facility is not a state action and is not a direct or secondary impact of this state action.

Cumulative impacts: Operation of the project at a production level commensurate with the MPDES permit is expected to use one to four trucks per day for transportation of products. Flathead County is responsible for dust control on area roads, so additional county government services may be required. DEQ contacted Flathead County and verified that a program is in place to address dust on county roads. The county will work collaboratively with MAWC to address dust. Impacts to government services as a result of operation of the water bottling facility are not expected to be significant.

See Section 16 of the final EA.

EA Comment 15: EA Section 17: Locally Adopted Environmental Plans and Goals: Change to yes.

Response: The water bottling facility must be developed and operated in compliance with all applicable federal, state, county, and other requirements related to zoning, authorizations, permits, and approvals including the Flathead County Growth Policy.

EA Comment 16: EA Section 19: Density and Distribution of Population and Housing: The term "moderately" should be changed to "well-developed" for consistency throughout. No unique quality is present or impacted.

Response: The area is comprised of developed agricultural and residential property. There are no direct or secondary impacts to population and housing resulting from the issuance of the MPDES permit.

Cumulative impacts: The operation of the water bottling facility at a production level commensurate with the MPDES permit is not expected to impact the density and distribution of population and housing.

See Section 19 of the final EA.

EA Comment 17: EA Section 20: Social Structures and Mores: The project is in a well-developed residential and agricultural area; therefore, no disruption is anticipated.

Response: The project is in an area comprised of developed agricultural and residential property. There are no direct or secondary impacts to social structures, mores, or lifestyles resulting from the issuance of the MPDES permit.

Many commenters suggested that operation of the facility will cause impacts to local lifestyles. The construction and operation of the water bottling facility is not state action and is not a direct or secondary impact of this state action.

Cumulative impacts: The building necessary for operation of the facility at a production level commensurate with the MPDES permit is on site. Construction, development, and operation of the facility will result in an increase in traffic due to additional jobs and transport of bottled water from the bottling facility. Impact on area property values and other lifestyle impacts are expected to be minimal. Development of a larger facility, to accommodate a plant that would use the full water right sometime in the future, is outside the scope of this state action and impacts related to facility expansion are not analyzed in this EA.

See the Section 26 Cumulative Effects, and Section 20 of the final EA.

EA Comment 18: EA Section 21: Cultural Uniqueness and Diversity: The term "moderately" should be changed to "well-developed" for consistency throughout. No unique quality is present or impacted.

Response: The project is in an area comprised of developed agricultural and residential property. Development must occur in compliance with the Flathead County Growth Policy. Construction and operation of outfalls 001 and 002 and discharges permitted under the MPDES permit are not expected to result in direct or secondary impacts to unique cultural qualities of the area.

The construction and operation of the water bottling facility is not state action and is not a direct or secondary impact of this state action.

Cumulative impacts: The operation of the water bottling facility at a production level commensurate with the MPDES permit requirements will not result in significant impacts to unique cultural qualities of the area.

EA Comment 19: EA Section 24: Other methods of effluent disposal without a discharge permit may require disposal outside of the watershed or other inefficient use of water.

Response: The comment is noted.

EA Comment 20: EA Section 25: As noted and described in sections 1 through 23, no significant impacts to the physical or human environment are noted due to this project.

Response: After consideration of this and other comments, Section 25 of the final EA is amended to include the following:

The discharges from Outfall 001 and Outfall 002 are regulated by the conditions of the proposed permit. The permit conditions ensure that all beneficial uses of the receiving water are protected and the discharges will not cause significant changes in existing water quality. No significant impacts to the physical or human environment are noted due to the discharge of effluent or construction of the outfalls as described in the MPDES permit application.

As noted throughout the EA, there are impacts that may occur because of the operation of the water bottling facility. These impacts are not direct or secondary impacts resulting from the issuance of the MPDES permit. See section 26 of the EA for cumulative effects analysis and see response to EA Comment 21 below.

See Section 25 of the final EA.

EA Comment 21: Clarify the distinction between the volume of water commensurate with the MPDES permit versus the much larger volume of water sought in the water right. Any increase in the discharge volume would require amendment of the permit and additional environmental review. Therefore, any impacts from a larger volume of water will be addressed as required at the time the issue arises, if ever. Include a discussion of Secondary Impacts and clarify that roadway dust is a secondary impact. Flathead County is responsible for addressing roadway dust caused by traffic. Nothing indicates that Flathead County will not address roadway dust. In fact, the project sponsor has already been in contact with Flathead County regarding dust abatement planning. Therefore, impacts to air quality issues arising from roadway dust caused by traffic are not significant.

Response: Cumulative Effects: There are no other permitted discharges to the unnamed tributary to the Flathead River and the permit conditions ensure there will be no significant changes to existing water quality in the receiving water prior to the receiving water confluence with the Flathead River. The nearest permitted discharges to the Flathead River are located several miles upstream of the Montana Artesian site. There are no known cumulative effects from these discharges.

Cumulative effects resulting from other State actions at this site are generally related to water appropriation for the project's water supply well and potential effects on water availability in other nearby water supply wells. These concerns are addressed in the ongoing analysis conducted by DNRC, which is the state agency tasked with determining the environmental impact of the water withdrawal. The MPDES permit does not authorize the withdrawal of ground water. If MAWC receives the water right from DNRC, the conditions of the MPDES permit do not change and MAWC is not permitted to discharge an increased volume of wastewater under this action.

The public water supply well (source water well for the project) was reviewed by DEQ and no significant impacts were found, EQ#15-1097, EA completed August 13, 2014.

The process for treating the water prior to bottling was also reviewed by DEQ and no significant impacts were identified, EQ#16-1158, EA completed November 29, 2016.

Taken together, all the authorizations and permits issued above are necessary to allow the facility to operate. Development, construction, and operation of the water bottling facility will result in increased traffic and dust. The MPDES permit limits the discharge of wastewater to that consistent with the production level described in the permit application. Operation of the facility at this production level will not cause significant impacts to human health or the environment, as described parts 1 through 25 of this EA. Many commenters on the draft EA expressed concern about the cumulative impacts from an expanded water bottling facility that may be planned to utilize the full DNRC water right. Such impacts are hypothetical at this time and are not considered in this EA. Should MAWC propose to increase production and increase the wastewater discharge volume, additional environmental analysis would be required to amend the MPDES permit.

EA Comment 22: Although some public comments expressed concern over the global impact of plastic bottles, consideration of the plastic bottles is not an impact that should be considered in this EA. Consideration of regional, national, or global impacts beyond Montana's borders is expressly prohibited by statute. *See* Mont. Code Ann. § 75-1-201(2)(a). Additionally, there is no evidence that the bottles will not be used and disposed appropriately and impacts from plastic bottles cannot be fairly traced back to the project. Due to the size of this project, it will have a minimal impact on the overall use of plastic bottles. Further, the use and disposal of plastic bottles are beyond the control of this project and will continue irrespective of this project.

Response: DEQ agrees that the use of plastic bottles, beyond that addressed by the effluent limitations guidelines, and the disposal of plastic bottles is not a direct, secondary, or cumulative impact appropriately analyzed in this EA.

EA Commenter 2; Robert M. Gentry, Gentry & Nelson Merrill Law Group, PLLC, on behalf of Water for Flathead's Future

EA Comment 23: In the ongoing Montana DNRC water use permit application process, Montana Artesian Water Company (MAWC) is requesting 710.53 acre=-feet (AF) of groundwater "for commercial and geothermal use in a water bottling plant." The proposed facility described to Montana DEQ in MAWC's MDPES filings would utilize only 5% of the volume of water MAWC is seeking in the DNRC proceeding...

Clearly DNRC may not issue a permit for "more water... than can be beneficially used without waste for the purpose stated in the application." "An appropriation...contrary to the provisions of § 85-2-311, MCA is invalid."

As set forth clearly in the DNRC proceeding, MAWC is seeking the appropriative rights in order to utilize all 710.53 AF of water and "the applicant is planning full build-out of the water bottling plant in stages." MAWC has no legal entitlement to the requested appropriation if it is not intending to utilize all of the water. MAWC is clearly asking DEQ to incrementally and in a piece-meal fashion grant MPDES permits and minimize its impacts analysis.

The Montana Supreme Court has stated that "because MEPA is modeled after the National Environmental Policy Act (NEPA), when interpreting MEPA, we find federal case law persuasive." As with federal law, under DEQ's regulatory guidance, it may prepare an EA in-house. But the agency must make its own evaluation of the environmental issues and take responsibility for the document's scope and content. DEQ, must "exercise considerable caution" that it does not substitute the entity's analysis for its own.

DEQ is aware from public record documents that the purpose of this project and its impacts extend far beyond the scope of its analyses in the EA. Implicit in the requirement that an agency take a hard look at the environmental consequences of its actions is the obligation to make an adequate compilation of relevant information, to analyze it reasonably and, perhaps most importantly not to ignore 'pertinent data.'" MAWC's semantic exercise in deflecting DEQ from analyzing the true scope of its operation is transparent. DEQ is under a clear duty to "exercise considerable caution' and not allow MACW's piece-meal presentation of the project to substitute for the easily ascertainable true scope of the project.

DEQ is therefore not restricted solely to the content of the permit application submitted by MAWC in determining the appropriate scope, purpose and need, alternatives analysis and analysis of impacts of this proposal. In the event that information upon which an agency significantly relies in preparing an EA is challenged as being inaccurate or incomplete, the agency must conduct an independent investigation to verify or discredit the information. DEQ is under an affirmative duty to confirm the analyses and representations contained in the MPDES permit application through reference to all available information about the proposal.

WFF requests that DEQ exercise considerable caution and consider pertinent data and known information in a final agency decision rather that adopting MAWCs incomplete characterization of this project.

Response: Please see the response to EA comments 1 and 3. DEQ is aware of the ongoing DNRC water rights application process. DNRC is the state agency charged with determining the appropriateness of granting the water right and addressing the impact of that water right.

Whether DNRC will grant MAWC the full water right is yet to be determined, and the facility operation at "full build out" has not been proposed to DEQ. The MPDES permit imposes conditions and limits on the authorized discharge. If the volume discharged increases due to expanded production and operation of the water bottling facility, a permit modification will be necessary, and subject to a new EA and public comment. Also see the cumulative discussion above.

EA Comment 24: Through improper segmentation of its consideration of the impacts of the full build- out of the MAWC operation, DEQ is participating in MAWC's attempted evasion of legal requirements.

It is appropriate for DEQ to determine whether MAWC is asking DEQ to participate in a segmentation of analysis of the impacts of their project in order to facilitate an evasion of legal responsibilities under MEPA. Putting at risk the natural resources, economic viability, property values, peaceful enjoyment of area residents and substantial public funds, DEQ has chosen not to ask these questions, preferring to allow the permit applicant's characterization of the project to limit its consideration of the scope of this project.

The actual scope of this project and the inadequacy of an EA under MEPA to address direct, secondary and cumulative adverse environmental impacts of this project, as a whole, require the initiation of scoping efforts for preparation of an environmental impact statement under MEPA,

comprehensive in scope and inclusive of MAWC's expressly stated purpose in the DNRC water rights proceeding, a commercial bottled water facility capable of putting to "beneficial use" all 710.53 AF of water for which it seeks an appropriative right.

Even with foreknowledge of the discrepancies in information provided to DNRC and DEQ, DEQ adopted MAWC's limited project description for preparation of its EA, the least extensive and most piecemeal environmental review possible short of no review at all. Compliance with MEPA requires much more.

Piecemeal consideration of the impacts of staged projects by governmental agencies is referred to as "'segmentation" of an environmental analysis and such practices have been repeatedly rejected by US courts as violating the letter and spirit of NEPA. Segmentation of a project is the division of actions with significant impacts into smaller actions, thereby hiding the significance of the impacts.

According to Council on Environmental Quality regulations, agencies are required to consider "connected actions" for environmental review purposes, including actions that "are interdependent parts of a larger action and depend on the larger action for their justification."

It is also clear that federal courts view with skepticism attempts to characterize planned and definite future stages of an action as "indefinite" in an effort to avoid a determination of significance and the consequential obligation to prepare an EIS. Further, whether the first phase of a project may have some independent utility is no justification for delaying detailed scrutiny of the impacts of a project as a whole.

WFF requests that DEQ exercise considerable caution and consider pertinent data and known information prior to adopting MAWC's characterization of this project in a final agency decision. DEQ's MPDES permitting decision must include analyses of: 1) the direct impacts of MAWC's process wastewater necessary for the explicitly intended full build-out of their commercial bottled water operation; and, 2) the secondary and cumulative impacts of operation of the intended full build-out of this commercial bottled water operation.

Response: Please see the response to EA comments 1, 23, and 25. DEQ does not believe that the issuance of the MPDES permit and the EA for the permit represent "segmentation" of the analysis of environmental effects. DEQ prepared the fact sheet, draft permit and EA for the project as presented in our review of the proposed facility's discharge the MPDES permit application. The state action taken here is the issuance of an MPDES permit. The MPDES permit does not authorize the construction or operation of the water bottling facility. Unlike other major permitting projects, such as new mines, where DEQ has authority to approve and regulate the construction and operation of the entire project, here DEQ is only authorizing the use of state water to receive the wastewater from a private project, located entirely on private property, the construction of which DEQ has no authority to approve or deny. The DNRC water right that is necessary for the "full build out" or additional stages of this project is under review by DNRC. If granted this water right, MAWC may choose alternative methods to dispose of the additional wastewater and avoid additional discharges to state waters. Other wastewater disposal methods are available that would not result in increased discharge volume under the MPDES permit.

Should MAWC choose to increase production and discharge an increased volume of wastewater to state surface water, a permit modification would be required. As part of a major permit modification, DEQ would issue an updated draft permit, fact sheet, EA, provide notice to the public and accept public comments on the draft permit for the entire facility, not just the expansion. Analysis of the

environmental impacts of increased discharge volume would occur, and any necessary mitigation measures or other environmental alternatives would be considered.

EA Comment 25: The EA fails to adequately consider the secondary and cumulative environmental impacts of issuing MPDES permits for the MAWC process wastewater discharge.

In the EA, DEQ purports to examine 23 resources and whether there are any potential significant impacts, finding none. DEQ confined the scope of the EA to those impacts on the environment resulting from the piecemeal permitting of MAWC's intended discharge. DEQ did not consider the impacts resulting from constructing and operating the commercial bottled water facility proposed by MAWC.

Montana agencies must consider secondary impacts of an action, even when control of certain ultimate decisions lie with local entities. DEQ's failure to consider secondary impacts of constructing and operating the commercial bottled water operation violates Administrative Rule of Montana 17.4.609(3)(d) and (e). DEQ's EA summarily discusses and dismisses some impacts the underlying facility would have on the environment. But the EA does not in any meaningful fashion address any impacts resulting from the construction and operation of the facility. The purpose of issuing this MPDES permit is to authorize operation of MAWC's commercial bottled water operation. Construction and operation of this facility utilizing the full measure of MAWC's sought-after appropriative right is neither speculative nor indefinite. It is a secondary impact "stimulated or induced by or otherwise result[ing] from a direct impact of the action," the issuance of the MPDES permit. Thus, DEQ must consider impacts from constructing and operating the facility.

Response: DEQ issued the permit in accordance with the Clean Water Act, the Montana Water Quality Act, and the rules implementing them. The purpose of the permit is to protect the beneficial uses from the discharge of wastewater from a water bottling facility. Issuance of MPDES Permit No. MT0031861 is the state action evaluated in the draft EA. The permit does not authorize the construction and operation of the water bottling operation and, further, does not authorize the construction and operation of a future, hypothetical bottling operation that is much larger than that described in the MPDES permit application. MAWC could elect to construct and operate the water bottling facility in such a manner that it does not result in a discharge to state surface waters. In which case, the MPDES permit, and the environmental review associated with it, would not be required. The construction and operation of the water bottling operation are not dependent on the MPDES permit.

The direct, secondary, and cumulative impacts of the MPDES permit are appropriately considered in the final EA in compliance with ARM 17.4.609(3)(d) and (e). The MPDES permit authorizes the discharge of pollutants to state surface waters. The direct impacts of the permit are to the receiving water and result from the effluent discharge and impacts to the receiving water. In addition there may be direct impacts to the physical and human environment resulting from any disturbance during construction of the outfalls. The direct impacts to the receiving water are addressed by the permit conditions and limitations. Discharges in compliance with permit conditions are not expected to result in significant impacts to the receiving water. Direct impacts resulting from the construction of the outfalls are disclosed in the EA (Sections 1 through 11).

Secondary impacts, as defined in ARM 17.4.603(18), are "stimulated or induced by, or otherwise resulting from a direct impact" of the issuance of the MDPES permit. Secondary impacts of this action are those impacts caused by the direct impacts of the action. For example, secondary impacts may include downstream impacts that are a result of direct impacts on the receiving water. Impacts resulting from the construction and operation of the water bottling facility are not secondary impacts because they are not stimulated, induced by, or otherwise resulting from a direct impact of issuing the permit.

Cumulative impacts are those collective impacts on the environment resulting from the proposed action in conjunction with other past and present actions that are related to the proposed action by location or generic type. Related future actions must also be considered when under concurrent consideration by any state agency. The construction and operation of the water bottling facility, along with construction of the permitted outfalls, may result in cumulative impacts on air quality due to increased dust. This was considered in the EA (Paragraph 26). Additionally, the water right, under consideration by DNRC, is a concurrent state action that, along with impacts arising from issuance of the MPDES permit, may result in cumulative impacts to the physical and human environment. These impacts were considered in the EA (Paragraph 26). Impacts from the water withdrawal are considered by DNRC under a separate, concurrent state action. DEQ relied on the EA completed by DNRC to determine that the water volume described in the MPDES permit application is not significant because it is considerably smaller than that which DNRC found to have no significant impact on area water quantity and availability. The MPDES permit incorporated effluent limits and conditions based on the volume of water described in the MPDES permit application. Should DNRC grant MAWC the full water right, and MAWC applied to discharge a larger volume to state surface water, the MPDES permit would need to be amended necessitating additional MEPA analysis and public participation. Future construction and development of a larger water bottling facility is a private action, not state action, and is, therefore, not a future action that must be considered in the cumulative impacts analysis. There are also no known county or other local ordinances or requirements limiting or prohibiting the construction and operation of the water bottling facility.

There is no "piecemeal" permitting of MAWC's discharge. The permit appropriately limits the discharge based on the volume described in MAWC's permit application. DEQ cannot presume that MAWC will discharge an increased volume under its MPDES permit if granted the full water right by DNRC. If MAWC chooses to apply for a permit modification to discharge an increased volume of waste water, DEQ will base the modified permit requirements on the increase volume sought in an application for permit modification and any updated draft permit will be subject to MEPA analysis and public process.

Also see responses to EA comments 1 – 22.

EA Comment 26: In Section 2 of the EA, WATER QUALITY, QUANTITY AND DISTRIBUTION, DEQ mentions "a slight increase in water quantity within the receiving water." This conclusion is unsupported by the facts, in that the UT currently receives artesian flow from an uncapped well.

Further, there is no mention of the decrease in groundwater availability caused by the bottling and export of water and the impacts to other water users arising from this decrease. The decrease in groundwater availability is clearly a reasonably foreseeable indirect/secondary impact of operation of the plant facilitated by DEQ granting the wastewater permit. DEQ undertook no evaluation whatsoever of these impacts, wholly relying instead on the DNRC Water Use Permit determination. This answer is legally insufficient.

DEQ should undertake an independent analysis of the potential adverse impacts a decrease in the local groundwater table will have and the economic burdens those impacts may impose upon area residents. WFF members express concerns including significant expenditures to perpetuate current services provided by area domestic and agricultural wells and potential surface water impacts to ponds/lakes that provide important amenities to area residential developments, with either significant mitigation costs to maintain water levels, decreases in property values, or both.

DNRC has the authority to determine whether to issue new groundwater appropriations for MAWC, but DEQ should not defer to DNRC's water rights determination of whether to issue groundwater appropriations as an answer to whether significant impacts will occur as a result of the project.

Response: See the response to EPA's Comment 2 on the draft permit fact sheet and the Response to EA Comment 25.

DEQ has no information regarding an uncapped well that would affect the flow of the unnamed tributary (UT) at the site of the proposed discharge. The only known well that overflows into the UT is downstream, between the bottling facility and the Flathead River. The only other source of pumped water is a pump system regulated by a float that removes seasonally high ground water from a hay field. This system predates the current ownership of that property. At the time that estimates of the UT flow were made for development of this permit, this source was not contributing flow. A local property owner, across whose property the UT flows, just upstream of the confluence with the Flathead River, informed DEQ staff during the April 2015 site visit that the flow rate of the UT is relatively constant. Therefore, DEQ believes the receiving water flow used in permit development is appropriate.

In its preliminary approval of MAWC's water right, DNRC found that granting the water right would not cause significant impacts on water quantity and availability in the area. DEQ reasonably defers to DNRC, as the agency with expertise necessary to make such a determination, regarding the question of impacts to water quantity. DNRC has preliminarily determined that appropriation of a volume of water much larger than the volume reflected in the MPDES permit application would not cause significant adverse impacts to water quantity. DEQ finds that the smaller volume needed for the water bottling operation under consideration in this MPDES permit will likewise have no significant adverse impact on water quantity in the area.

EA Comment 27: In Section 3 of the EA, AIR QUALITY, DEQ identifies an increase in dust due to increased local traffic, but with no analysis of the volume or character of the increased traffic necessary to the MAWC operation or the volume and time of dust impacts. Instead, DEQ determines that this impact will be "short-lived and not significant." DEQ appears to rely solely on Flathead County's approval of a road approach as its source for determining no significant impacts. This approach permit establishes construction standards for a "single driveway," but contains no evaluation of the increase in local traffic generating dust, degrading road infrastructure and creating traffic hazards for area motorists and motorists on MT 35. Neither the approach permit issued by Flathead County nor any maintenance agreement between Flathead County and MAWC undertakes a hard look at the impacts of dust generation through increased traffic.

DEQ should take a hard look at the volume of increased traffic on this county road consistent with the intended MAWC operation, the volume and impacts of dust generation on local air quality, and the human health, agricultural and environmental impacts of dust generation by MAWC. Flathead County has the ultimate authority on whether to issue an approach permit for MAWC on a county road, but DEQ cannot legally or reasonably extrapolate from Flathead County's issuance of that permit to its conclusion of no air quality impacts.

Response: See Response to EA Comment 4. Impacts on air quality resulting from issuance of the MPDES permit will be due to construction dust, which will be short-lived and associated with disturbance during installation of the discharge lines and outfalls.

Flathead County implements a roadway dust control program. The Flathead County Road and Bridge Department is aware of this project and has spoken with the project sponsor regarding dust

abatement planning. The project sponsor has agreed to cooperate as necessary to control roadway dust attributable to the operation of the bottling facility. The Flathead County dust control program is subject to the requirements of ARM 17.8.304 and ARM 17.8.308, not the Montana Water Quality Act. Flathead County is also responsible for any maintenance or road upgrades/repairs resulting from degradation due to increased traffic on county roads. It is expected that, should road upgrades be necessary due to this project, the county would work with MAWC to mitigate and address these impacts.

Cumulative impacts: DEQ has further determined that operation of the MAWC facility at a production capacity commensurate with the MDPES permit will result in a minimal impact from an additional one to four trucks per day, as well as a potential increase in traffic from employees going to and from work, on area roadways. The additional dust generated will be short-lived and is not a significant change from existing conditions. See Section 26 of the EA.

EA Comment 28: In Section 4 of the EA, VEGETATION COVER, QUANTITY AND QUALITY, DEQ has undertaken no analysis of how lower water tables and dust generation by traffic may impact vegetation cover, quantity and quality. Increased dust from MAWC traffic may compromise area vegetation and agricultural crops. A lowered water table may impact area wetland vegetation and impact habitat quality in the area. Again, DEQ improperly relies on DNRC's Water Use Permit process, which included no analysis of dust impacts to agriculture and native vegetation, and paltry analysis of impacts on wetlands. DEQ should take an independent hard look at these impacts.

Response: See the Responses to EA Comments 3, 4, 5, and 24 -27.

EA Comment 29: In Section 5 of the EA, TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS, again DEQ undertakes no analysis at all of the impacts of dust, traffic, noise pollution and light pollution generated by the MAWC operation on these resources. DEQ appears to make its conclusion based solely on its determination that the permit conditions will ensure water quality, with no consideration of indirect impacts of the MAWC operation.

Response: See the responses to EA comments 1, 6, and 24 – 27.

EA Comment 30: In Section 6 of the EA, UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES, while DEQ identifies 11 animal species and 7 plant species of special concern in the area and specifically describes the area as Bull Trout habitat, it undertakes no analysis of any impacts from a lowered water table, possible thermal pollution, or dust, traffic, noise and light pollution that will result from MAWC operation. Again DEQ improperly relies solely on DNRC's Water Use Permit process without taking a hard look at these indirect impacts.

Response: See the responses to EA comments 1, 7, and 24 – 27.

EA Comment 31: In Section 9, AESTHETICS, members of WFF respectfully disagree with DEQ's dismissive statement that "this is not a scenic area" as the basis for concluding there will be no aesthetic impacts. DEQ makes this determination while undertaking no analysis whatsoever on what the MAWC's industrial facility will look like at full build-out, what the traffic will be like when it is in operation, and how the noise pollution, light pollution and dust and traffic generated by this industrial operation is entirely inconsistent with current land uses in the area. Rather than taking a hard look at potential impacts, DEQ justifies its no impacts conclusion by stating instead that DEQ personnel visited the site on April 11, 2016 and saw the building. DEQ also concludes that there will be no excessive noise or light with no analysis of what an operating water bottling plant actually

looks like or the volume of traffic, light and noise generated by such operations. DEQ clearly fails to take a hard look at impacts when it doesn't even know what the final operation will look like, instead apparently assuming that the existing building will be the only thing there with no lights, no noise and no traffic. This is arbitrary and in violation of MEPA.

Response: See the Response to EA Comments 1, 9, and 24 – 27. The language in the draft EA stating that the area is not scenic is removed. The facility building is already on site and is not inconsistent with existing outbuildings in the area that are related to the agricultural nature of the location. The construction and operation of the water bottling facility is a private development and is not a state action. Further, the construction and operation of the water bottling facility is not a direct or secondary impact of the MPDES permit.

Cumulative impacts due to operation of the MAWC facility at a production capacity commensurate with the MDPES permit will result in minimal impacts to aesthetics in the area from the existing structure, slight increase in traffic due to employees going to and from work, additional short-term dust, and lighting. These impacts are consistent with existing conditions in the area, and are not expected to be significant.

EA Comment 32: In Section 10 of the EA, DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY, again DEQ defers to the DNRC permitting process as its full basis for a conclusion of no impacts to land, water, air, or energy resources. Certainly the export of Flathead County's extraordinarily pure groundwater resources and the land, surface water and air impacts of MAWC should be examined through a hard look as required by MEPA.

Deference to DNRC's limited process is legally insufficient and an arbitrary basis for concluding no impacts.

Response: See the Response to EA Comments 1, 9, 24 – 27, and 31. DNRC found that granting a much larger water right than is required for the MPDES permit did not result in significant impacts. It is entirely appropriate for DEQ to defer to DNRC's expertise as DNRC is the agency responsible for decisions related to appropriation of ground water. The volume of water needed to operate the facility commensurate with the MPDES permit requirements is small enough that it does not require the full DNRC water right approval. DEQ finds that the direct, secondary, and cumulative impacts on demands on environmental resources of land, water air, or energy related to issuance of the MPDES permit are not significant.

EA Comment 33: In Section 12 of the EA, HUMAN HEALTH AND SAFETY, DEQ undertakes no analysis of any indirect impacts of the MAWC operation or how the noise, dust, light, and traffic hazards may impact human health and safety. With no traffic impacts study or requirements for mitigation of traffic hazards and no human health assessment of the impacts of dust generation and increased stress from MAWC's previously described impacts, this conclusion is arbitrary.

Response: Please see the Responses to EA Comments 1, 11, 24 – 27 and 31. The direct, secondary, and cumulative impacts of the MPDES permit on human health and safety are not expected to be significant. The construction and operation of the water bottling facility is a private development and not state action. MPDES permits regulate point source discharges of pollutants to state surface waters by developing effluent limits, monitoring requirements, and other conditions to protect beneficial uses of state waters, including human health. Section 3 of the EA addresses air quality. DEQ acknowledges there may be increased dust, but these impacts are not expected to be long term and will be mitigated by Flathead County's dust control program. The road approach is also subject to review and approval of Flathead

County to mitigate traffic hazards.

EA Comment 34: In Section 13 of the EA, INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION, there is not even a brief text description of the basis for DEQ's conclusion of no impacts. In particular, DEQ should take a hard look at the impacts of dust generation and decreasing groundwater availability on the existing agricultural activities in the area.

Response: See the Response to EA Comments 1, 11, 24 – 27, and 31. The project, as permitted by this action, will result in an insignificant increase in local traffic and requires only a fraction of the water right that received preliminary approval and finding of no significant impact on area groundwater from DNRC.

EA Comment 35: In Section 16 of the EA, DEMAND FOR GOVERNMENT SERVICES, as described herein DEQ undertook no traffic impact study and has no basis for determining that there will be no impact to the demand for government services. In fact, DEQ admits there will impacts, e.g. "an increase in local traffic on county roads will occur" then states its ignorance of these impacts ("Impact on roads and transportation in the area is unknown"). Neither DEQ's ignorance nor its reliance on Flathead County's ignorance as set forth in the approach permit that undertakes no evaluation of traffic impacts is a legal basis for concluding there are no impacts in an environmental document pursuant to MEPA. This is an arbitrary and capricious determination.

Response: See Responses to EA Comments, 1, 14, 24 – 27, 31, and 33.

EA Comment 36: In Section 19 of the EA, DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING, DEQ concludes that the facility is unlikely to "alter the density and distribution of housing or population" without taking a hard look at the impacts of MAWC when in full operation. Members of WFF express concerns regarding the interruption of their quiet enjoyment of their property and potential fair market value impacts due to the light, noise, traffic, dust, and reduction of groundwater availability resulting from the MAWC operation, which is entirely inconsistent with current area land uses. There is no basis for DEQ to reach this conclusion when they have undertaken no analysis of the indirect impacts of the MAWC operation.

Response: See Responses to EA Comments 1, 16, 24 – 27, and 31.

The area is developed for agriculture, residential and light industry. Impacts resulting from the issuance of the discharge permit are not expected to significantly change the existing character of the area.

EA Comment 37: In Section 23 of the EA, PRIVATE PROPERTY IMPACTS, while there is currently no direct taking of private property proposed by the project, impacts from the MAWC operation may result in substantial decreases in area property values and damages to agricultural and residential uses in the area. As road infrastructure deteriorates due to the high volume of MAWC generated traffic, there may be road infrastructure improvement required as well, with potential takings of private property to acquire necessary right-of-way. Without analysis of all indirect impacts there is no basis for determining that private property will not be impacted.

Response: The intent of this portion of MEPA is to ensure that state actions that regulate the use of private property are evaluated to reduce, minimize, or eliminate regulatory restrictions. Here, the state action is not expected to result in significant impacts to private property or the use of private property.

Impacts to neighboring property values are hypothetical and outside the scope of this EA.

EA Comment 38: In Section 24 of the EA, Description of Impacts of other Alternatives Considered, DEQ summarily addresses the "No Action" alternative, but DEQ's answer that denial of the permit may cause the applicant to spend more money is no reasonable basis for selecting the alternative of approving the permit. With no discussion of the basis of DEQ's conclusion that no action could be more expensive for the applicant, DEQ's determination is mere speculation, is baseless, and forms no legal justification for the selected alternative.

Response: Section 24 of the EA is revised as follows:

No action alternative: Deny issuance of the permit. Permit denial would require the applicant to find other alternatives for effluent disposal. Given the low volume of the discharge, MAWC could find alternatives that are not subject to the rigorous environmental review done here.

EA Comment 39: In Section 26 of the EA, Cumulative Effects, DEQ identifies potential cumulative effects (other state uses, public water supply well) but undertakes no analysis other than its reliance on the DNRC process. DEQ should take a hard look at cumulative impacts prior to concluding that there are none.

Also, this section of the EA contains the only discussion of "indirect effects" in the whole EA. In one short paragraph, DEQ admits that there will be indirect effects "related to increased traffic and generation of nuisance dust on local roadways." DEQ's answer, rather than evaluating the impacts that will be facilitated by the process wastewater MPDES permit is that it "could still occur" even if the applicant withdrew the permit and found another way to dispose of process wastewater. This answer is first an admission that there will be impacts contrary to DEQ's findings in previous sections of the EA. Second, DEQ's speculation that the impacts will occur anyway does not in any way excuse DEQ from their constitutional and statutory duties to enforce Montana law. This is a direct admission that DEQ's grant of this MPDES permit based on the EA is arbitrary, capricious and in violation of law.

Response: Please see the responses to previous comments including Response to EA Comment 25 and Section 26 of the EA (Cumulative Effects). DEQ has re-evaluated the EA and determined that the direct and secondary impacts of the MPDES permit are not significant. The MPDES permit allows the discharge of wastewater from two outfalls. It does not authorize the construction or operation of the water bottling facility. The impacts from operating the water bottling facility are not direct or secondary impacts of the discharge permit. DEQ used the phrase "indirect effects" erroneously in the draft EA. It was intended as a way of disclosing that there would be effects that were not a result of DEQ's action. "Indirect impacts" is a NEPA term and this phrase is not used in the final EA.

EA Comment 40: The EA does not comply with MEPA or the Montana Constitution.

MEPA requires agencies take a "hard look" at the impacts of their actions; it is largely procedural and does not require "that an agency make particular substantive decisions." "Implicit in the requirement that an agency take a hard look at the environmental consequences of its actions is the obligation to make an adequate compilation of relevant information, to analyze it reasonably, and to consider all pertinent data."

Insight into the meaning of "hard look" was provided by Rep. George Darrow. Rep. Darrow was a sponsor of MEPA during its 1971 legislative approval. As stated by Rep. Darrow:

> InMEPA's innovative provision for environmental impact statements on "major actions of state government significantly affecting the quality of the human

> environment," MEPA significantly expanded the public right to participate in the decisions of government. Such impact statements were in effect deeply conservative provisions requiring thoughtful, informed, and deliberate consideration of the consequences and impacts of state actions. Simply expressed, they mandated, "Look before you leap."
>
> MEPA was purposeful in establishing a process whereby Montana can anticipate and prevent unexamined, unintended, and unwanted consequences rather than continuing to stumble into circumstances or cumulative crises that the state can only react to and mitigate. Again, simply expressed in country vernacular, "An ounce of prevention is worth a pound of cure."

* * *

There are significant deficiencies in the MAWC EA due to its procedural errors in permitting, limited scope of the environmental review and improper segmentation of impacts. Even under a hypothetical in which this incremental discharge permit application was not one necessary piece of a larger planned operation, the level of analysis in the EA is insufficient to satisfy the requirements of MEPA and the Montana Constitution.

Because MEPA is a reflection of Montanan's constitutional guarantee to a clean and healthful environment, it is critical that all potential impacts are analyzed and disclosed before any irretrievable commitment of resources is made. Without fully analyzing impacts of the project as a whole, meaningfully involving the public, and disclosing all impacts and mitigation (or lack of), the state cannot ensure that an agency decision will in fact uphold the constitutional duties it has to protect the right to a clean and healthful environment.

MEPA and the constitutional provisions it reflects demand that DEQ analyze and disclose direct, secondary and cumulative impacts of this project on the human environment. Not only should DEQ analyze and disclose these impacts in order to comply with MEPA's procedural mandate and "think before you act" purpose, DEQ should analyze in its MEPA review document whether such facilitation of water export in times of accelerating world-wide water shortage is contrary to Montanan's fundamental right to a clean and healthful environment.

As stated by the Court in *Ravalli County:*

> It is the continuing responsibility of the state of Montana to use all practicable means consistent with other essential considerations of state policy to improve and coordinate state plans, functions, programs, and resources to the end that the state may fulfill the responsibilities of each generation *as trustee of the environment* for succeeding generations.

In the discharge of its MEPA obligations, "Article IX, Section I of our Constitution clearly and unambiguously imposes upon the State the obligation to 'maintain and improve a clean and healthful environment in Montana for present and future generations." DEQ's failure to discuss the detrimental impacts of this proposal should be amended through a decision to conduct a full environmental impact statement inclusive of the public record intention of the permit applicant to construct and operate a commercial bottled water operation utilizing 710.53 AF of water annually.

WFF's request that DEQ initiate a full environmental impact statement scoped to include the intended full build-out of the MAWC commercial bottled water operation as clearly demonstrated in MAWC's

DNRC water rights filings. WFF encourages DEQ to consider that anything short of a full EIS would be a violation of MEPA, a failure of the public trust responsibility of DEQ for present and future generations of Montanans and a violation of Montanan's constitutional right to a clean and healthful environment.

Response: See Response to EA Comment 24. MEPA applies to state actions. An "action" is:

- A project, program, or activity directly undertaken by an agency;
- A project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from the agency, either singly or in combination with one or more other state agencies; or
- A project or activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use or permission to act by the agency, either singly or in combination with other state agencies. (ARM 17.30.603(1))

The state action taken here is the issuance of an MPDES permit. The MPDES permit does not authorize the construction or operation of the water bottling facility. Unlike other major permitting projects, such as new mines, where DEQ has authority to approve and regulate the construction and operation of the entire project, here DEQ is only authorizing the use of state water to receive the wastewater from a private project, located entirely on private property, the construction of which DEQ has no authority to approve or deny. MEPA requires the consideration of a "no action alternative", which in this case would be to deny the issuance of the discharge permit. As has been stated in previous comment responses, under the no action alternative, the project sponsors would likely alter the plans for wastewater disposal, and continue with their private project. Possibly without MEPA analysis even though the potential impacts resulting from the construction and operation of the facility would still occur.

DEQ disagrees that it has inappropriately limited the scope of review of the proposed state action under MEPA. MEPA review is intended to look at the impacts resulting from state actions. The construction and operation of the water bottling facility is a private action and is not a direct or secondary impact of the discharge permit. Cumulative impacts from the construction and operation of the water bottling facility at a production capacity commensurate with the MDPES permit are analyzed in the EA at Section 26.

EA Commenter 3; Adele Zimmerman

This commenter, and several others, submitted a copy of the report, *An Investigation of Effects, Evaluation of Potential Effects from Montana Artesian Water Company's Proposed Development of a Water Bottling Facility in Kalispell, Montana."* The report is dated August 10 2016 and was prepared by sciGaia for Water for Flathead's Future. A response to DEQ's EA was included as part of that report, which summarizes its findings. In general, the comments, projections, and assumptions in the sciGaia report are based on the presumption that the water bottling facility is constructed and operated with the capacity to utilize the full water right pending before DNRC (710.53 acre feet per year). The proposed state action subject to this MEPA review is issuance of the MPDES permit, which authorizes discharge to state surface water of noncontact heating water and drinking water bottle rinsate from the water bottling facility. The MPDES permit sets conditions and limits based upon an expected discharge volume of 23 acre feet per year. The MPDES permit limits the load of pollutants that may be discharged based on the expected average discharge flow from one bottling machine. An MPDES permit modification will be necessary to authorize discharge of a significantly larger volume of wastewater. The EA assesses environmental impacts from the proposed water bottling facility operating at a level of production that is

consistent with the MPDES permit application. As has been discussed extensively in previous comment responses, full use of the DNRC water right and future build out of the water bottling facility to accommodate production consistent with the full water right is outside the scope of this EA.

EA Comment 41: With regards to the truck traffic, there have been a number of estimates on the number of trucks that would be going to and from the MAWC facility. The SciGaia report dated June 21, 2016 estimates that 97 40-ton trucks will travel on the roads each way, for a total of 194 trucks counting both directions, within a 24 hour period. That comes to a truck every 7.5 minutes if the pick ups and deliveries are spread evenly over a 24 hour period, 7 days a week; or to a truck every 3 minutes if the trucks are in service 10 hours per day, 7 days a week. If smaller trucks are used (as would be required from February through June), the truck traffic would be significantly greater.

Response: Please see responses to previous comments. The impacts resulting from the operation of the water bottling facility are not direct or secondary impacts of the issuance of the MPDES permit.

Cumulative impacts related to dust and truck traffic are addressed in the Response to EA Comments 1, 4, 21 and 27 and in Section 26 of the EA.

EA Comment 42: Water quality could be affected Geothermal heating water would be discharged about 1,300 feet from the river, a maximum of 33,358 gallons per day under the proposed permit and wastewater treated after rinsing the bottles and equipment would account for another 2,640 gallons per day.

Sedimentation and increased water turbidity may be an issue for wildlife. Increased turbidity and sediment concentrations in the Flathead River can decrease the abundance of benthic organisms that fish prey on, decrease the ability for fish to feed opportunistically, increase fish stress levels, reduce fish growth rate, and reduce resistance to disease.

Release of toxic materials from the water bottling plant have the potential to infiltrate ground water that supplies drinking water for residents, farm animals, local wildlife, and agricultural products. Toxic chemicals and mineral compounds can be introduced into discharge water. through bottle washing, sterilizing, cleaning, and other processes that use chemicals MAWC submitted estimates of the chemicals that may be present in the effluent, including chloride, chlorine, fluoride, nitrate, nitrite, and sulfate.

Response: See the Responses to Comments 1 - 30 on the draft permit and fact sheet, pages 4 through 17 of this response to comments. The discharge permit incorporates permit conditions and limits that will protect the receiving water beneficial uses. The constituents identified in the comment were reviewed during permit development. Where appropriate, water quality based effluent limits are included in the permit. These limits are based on a maximum discharge volume of 65 gallons per minute and the final permit requires flow monitoring. If the discharge volume is increased due to increased production, a modification of the MPDES permit will be required to ensure discharge limits that are protective of beneficial be maintained.

EA Comment 43: Assuming 40-ton tractor trailers are used to transport bottled water, an estimated 52 tons/year (286 lbs. /day) of dust would be produced along 3.49 miles of unpaved road (6.98 round trip miles) between the bottling plant and MT Hwy 35 (the expected route, specifically from Pederson Road west to Egan Slough Road north, then east on Jaquette Road to State Highway 35).

A longer northerly route is approximately 5.08 miles of unpaved road (10.16 round trip miles) to MT Hwy 35, representing 346,509 round trip miles per year. Along this route, the volume of dust would

increase to over 76 tons/year (416 lbs. /day). Additional truck traffic related to shipment of supplies and employee traffic could add several additional vehicles per day, increasing noise and dust load.

The EPA sets regulations associated with road dust (particle pollution or PM) via the health-based National Ambient Air Quality Standards (NAAQS) for pollutants that are emitted from on-road mobile sources. Given the large volume of dust that would be generated by truck traffic to and from the proposed water plant on gravel roads, it is likely that the particle pollution could easily exceed the EPA standards (PM2s and PM10 pollutant limits). A more careful analysis of the gravel road composition would be required to make this determination.

Although Flathead County has approved a conditional road approach (AE-2937), our understanding is that it would have to be approved by county commissioners. At this point we do not know if the county is willing to pay for the paving of the truck approach to the proposed water plant or whether the owner is willing to pay for paving in order to reduce the dust load. We estimate the length of the road that needs paving is approximately 3.5 miles, and we expect the cost to pave the road would be in the range of $I million per mile paved, or $3.5 million in total. If the county approved building the road on behalf of the water plant, the cost would be borne by the citizens of Flathead County.

Response: See responses to EA comments 1, 4, 5, 21, and 27 and the EA at Section 3. Truck traffic consistent with the requirements of the MPDES permit will result in 1 to 4 trucks per day on area roads. The area is already an agricultural area with dust generating activities. The additional truck traffic is not expected to contribute significant additional dust.

EA Comment 44: Dust settling on vegetation can block sunlight needed for photosynthesis, clog stomata (openings and interfering with gas exchange, or cause chemical bums if the dust contains caustic alkaline compounds.

Other serious, but often overlooked consequences, include reduced agricultural and forestry yields. These are attributed to retarded plant growth, increased insect activity, crop blemishing, and reduced palatability of pasture and associated reduced yields in terms of dairy production.

Response: See the Response to EA Comment 43.

EA Comment 45: Forty-three Montana "Species of Concern" (20 plant and 23 animal) occur within 5 miles of the project site. Three of these species (bull trout, Canada lynx, and grizzly bear) are listed as "threatened" under the Federal Endangered Species Act (16 U.S.C. Sections 1531-1544). A fourth species (bald eagle) has been delisted but still has federal protection under The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c).

Response: See Sections 4, 5, and 6 of the EA. The project is located in an area of developed agricultural and residential properties. The building for the proposed facility is an existing structure. New impacts arising from issuance of the MPDES permit to species of concern are expected to be minimal. The immediate vicinity of the project is not suitable Canada lynx or grizzly bear habitat. Bull trout considerations are addressed in responses to EA comment 7.

EA Comment 46: Based on existing land cover and habitat preferences of the species, construction and operation of the bottling plant is expected to have little or no impact on the majority of these species with the notable exception of: bull trout, westslope cutthroat trout, and bald eagle.

If the plant impacts water temperature due to large daily discharges of water, Bull trout could be impacted: "Connectivity throughout a watershed is critical for bull trout for in terms of migration strategies, population persistence and genetic diversity (USFWS, 20022002 taken from

Weaver 2011). The bottling plant would be located on this migration route approximately 2.5 miles upstream of the inlet to Flathead Lake.

From page 3 of the Environmental Assessment Form: "The reach of the Flathead River which will be depleted by groundwater pumping of the Applicant's wells has not been assessed for any beneficial uses by DEQ. Flathead Lake has been assessed and is identified by DEQ as not supporting aquatic life and fully supporting agriculture, primary contact recreation, and drinking water. It is not anticipated that pumping of the Applicant's groundwater well will have any negative impacts on the water quality of the Flathead River or Flathead Lake." *This is contradictory to the importance of Flathead Lake for overwintering bull trout.*

Like bull trout, westslope cutthroat trout depend on cold water habitats with an upper lethal temperature about 20° C (68° F) (Bear et al. 2007). Westslope cutthroat trout could be impacted by changes in water temperature related to discharges from the proposed water plant.

The project site is within 2,000 meters of confirmed nesting activity of American Bald Eagles. It is unclear whether a site evaluation has been made to determine that disturbances associated with a water plant will not conflict with bald eagle nesting activity.

Published reports show that road dust can lead to accelerated tooth wear of animals grazing in pasture adjacent to unsealed roads.

In addition to human health effects, a large body of science documents a wide range of impacts of noise on wildlife. The National Park Service has developed an annotated bibliography of major findings (National Park Service,. 2010).

Response: The comment appears to be based on the EA conducted by DNRC for the ground water appropriation. DEQ defers to DNRC regarding the environmental assessment of the pending water right.

The project is located in an area of developed agricultural and residential properties. The building for the project is an existing structure. Given the existing nature of the area, any new impact to bald eagle nesting activity over a mile away related to issuance of the MPDES permit is not expected. No new impacts to unique, endangered or limited environmental resources related to issuance of the MPDES permit are expected.

Regarding bull trout and westslope cutthroat trout, the MPDES permit authorizes discharge to an unnamed tributary to the Flathead River. The permit incorporates limits and conditions to ensure the water quality standards that support aquatic life are achieved in the tributary prior to its confluence with the Flathead River. Beneficial uses of the Flathead River, including growth and propagation of salmonid fishes, will be maintained. Also, see the Response to EA Comment 45.

EA Comment 47: Assuming the proposed volume of bottle water will be shipped out of the plant in 40-ton tractor trailers, a total of 108 trucks will be required 360 days of the year, representing 38,712 tractor trailer loads per year. Each truck can be expected to produce approximately 84 db of noise. According to the National Institute of Health, "long or repeated exposure to sounds at or above 85 decibels can cause hearing loss."

Response: See EA Section 9. Operation of the water bottling plant consistent with the volume estimated to meet MPDES permit requirements will result in 1 to 4 trucks per day on area roads. Area residents will not be subjected to long or repeated exposure to sounds at or above 85 decibels. No significant impacts related to increased noise associated with issuance of the MPDES permit are expected.

EA Comment 48: Given predicted impacts of climate change that expect reduction in rainfall in Montana, it is important that Flathead County think long term about the precious resource of

water when evaluating new permits for water. Additionally, there are several organizations and citizens that do not agree with the DNRC evaluation that water rights will not be impacted. The expected drop in the water table may adversely impact local citizens and organizations that depend upon the water.

If this permit is approved, it will set a dangerous precedent that may lead to additional water bottling facilities, thereby increasing withdrawals of water from the ground during a period when precipitation is expected to diminish and temperatures increase. Water is a limited and highly valuable and important resource for people and the environment and needs to be protected now and well into the future.

Response: The MPDES permit authorizes discharge to state surface water and does not grant a water right. No precedent for water withdrawals and construction of additional water bottling facilities is set by issuance of the MPDES permit. DNRC regulates water rights and evaluates the effects on area wells. That review process is ongoing. MPDES permits regulate point source discharges of pollutants to state surface waters by developing effluent limits, monitoring requirements, and other conditions to protect beneficial uses of state waters; nothing more.

EA Comment 49: The sciGaia response to the EA included a long, detailed description of potential impacts on human health. The comment repeated the dust impacts from EA comment 43, the noise impacts from EA comment 47, and related those impacts to their potential effects on human health.

Response: See Responses to EA Comments 1, 4, 5, 21, and 27. Truck traffic consistent with the production volume commensurate with the MPDES permit will result in 1 to 4 trucks per day on area roads. The area is already an agricultural area with dust generating activities. It is anticipated that if dust related to operation of the water bottling facility were to become a problem, Flathead County would work collaboratively with the project sponsor and local residents to address dust suppression. The noise generated by 1 to 4 trucks per day is expected to be insignificant.

EA Comment 50: Given the highly automated nature of a water bottling plant, it is likely there will be few jobs created. A much larger bottling plant near Dillon Montana ran their plant with 3 full time employees. Given the significant negative impacts on the community and environment, and the fact that the potential economic benefits to the community are low, there is little reason to approve this water plant.
The likely small number of jobs created should have little positive impact on the local economy or tax base.

Response: See Response to EA Comment 12 and EA Section 14.

EA Comment 51: By introducing a commercial enterprise in the middle of a pristine pastoral region and allowing significant truck traffic, it is likely to reduce the local property values as the significant traffic from delivery trucks, dust, and noise would make the region less attractive.

The average house price in Kalispell is $181,500, according to Zillo's Kalispell Home Value Index. Although there is wide variability in home values in the area near the proposed water plant, we will use this number for reference. Based on the relationship between each noise decibel unit and the impact on home values (4% to 6% per decibel) by truck traffic, we project that prices could drop from 20% to 30% or more if the water plant and attendant truck traffic became operational. This translates to the typical house value being reduced from $181,500 to $145,200 or $127,050.

A drop in property values also impacts county tax revenue based on property valuations. The

average residential property tax rate in Flathead County is 0.848%. The annual tax assessment for a house valued at $181,500 is approximately $1,539. If the property value dropped to $145,200, the property tax would drop to $1,231, and if the property value dropped to $127,050, the property tax would be reduced to $1,077. When compounded over a large number of homes impacted by truck traffic noise, this could have a considerable negative impact on tax collections in Flathead County, thereby impacting their budget and allocations towards public resources.

Response: Comments about a potential decrease in property values and tax revenues were received from several commenters in addition to the comment above. The commenters all base their assessment on the assumption that a facility approaching a size of 200,000 square feet will be built at some future date. The building necessary for operation at a production level commensurate with the MPDES permit application is already on site. DEQ expects limited additional impact to area property values resulting from operation of the proposed bottling plant. A significant increase in plant production that results in increased volume of wastewater discharged to state surface water is outside the scope of this EA and will require modification of the MPDES permit.

EA Comment 52: The costs from road degradation, increased traffic and related accident risks, and health impacts from dust are a few impacts that will require additional government services.

Truck traffic has been shown to be significantly more destructive to roads than automobiles. Impacts increase during spring road conditions from trucks depending upon the axle configuration and weight.

According to a GAO study, Excessive Truck Weight: An Expensive Burden We Ca n No Loneger Afford , road damage from one 18- wheeler is equivalent to 9600 cars (p.23 of study, p.36 of PDF).

It turns out that vehicle road damage doesn't rise linearly with weight. Road damage rises with the fourth power of weight and this means that a 40,000 pound truck does roughly 10,000 times more damage to roadways than the average car will.

The loss of fines (which perform an integral material-binding function) from the road surface results firstly in accelerated gravel loss, thereby increasing the frequency at which the gravel has to be replaced, and secondly in more rapid deterioration of the riding quality of the road, thereby requiring more frequent grader maintenance . This has significant economic and environmental implications in terms of regular re-gravelling programs. Both county and state roads will be impacted, and citizens are likely to have to bear the burden of the added costs for damage to roads from truck traffic associated with the proposed water plant.
It is likely the increased truck traffic on local roads will lead to traffic incidents, impacting local fire, healthcare, and police services.

Response: See the responses to previous comments (i.e. EA Comments 47 and 49 above). See also Sections 16 and 26 of the EA. Operation of the water bottling facility at a production level commensurate with the MPDES permit requirements is not expected to result in a significant increase in traffic. Flathead County has been in touch with the project sponsor and is prepared to work collaboratively to address issues related to road impacts that are attributable to the bottling plant.

EA Comment 53: The region near the proposed water plant is scenic and pastoral, and people are attracted to the area due to the beauty, water, views, and the quiet serenity of the area. Farming, ranching, and residential properties dominate the area. Residents are proud of the beauty and tranquility of the area. By allowing a water plant to go into production, the character of the area will be dramatically changed and degraded. Noise and dust will be generated from truck traffic, and the roads will be less safe. The local citizens are strongly

opposed to the water plant.

Response: See Responses to EA Comments 1, 9, 24 – 27, and 31. Operation of the water bottling facility at a production level commensurate with the MPDES permit requirements is not expected to result in significant changes to existing social structures and mores of the area. The area is currently comprised of developed agricultural and residential properties. Increased activity due to the bottling facility is expected to be minimal.

EA Comment 54: As evidenced by the significant opposition to this project by local citizens, it is clear that a large scale water plant and the attendant noise, truck traffic, and other impacts would change the character of this region. Currently the region is dominated by farms, ranches, and residential housing. The great attraction and value of the area to the citizens it its beauty and pristine environmental condition.

Response: See Response to EA Comment 53. Operation of the bottling facility at a production level commensurate with the MPDES permit is not a "large scale water plant" as characterized by the comment. The permitted water bottling facility will operate one bottling machine. The truck traffic, light, noise, and other impacts resulting from the water bottling facility are expected to be minimal and not a significant change to the existing conditions and uses of the area.

EA Comment 55: Local citizens have already been economically impacted since many of them have contributed financially to efforts designed to stop the approval of the water plant. Potential litigation could dramatically increase the cost burden to citizens.

If the water plant were in production, health costs could increase for both citizens and the government due to physical and mental illnesses associated with traffic, noise, and stress.

Investments made in property and homes could be negatively impacted if the water plant were approved.

Costs to Flathead County residents could increase due to expenses related to road maintenance, traffic accidents, health degradation, and other factors.

Conflict between the local residents and the water plant owner has already arisen, and is likely to increase if the water plant goes into production.

Negative press coverage may create or increase tension between citizens and local and state government officials, and reduce the amenity value of the region.

Response: Potential litigation and other economic burdens related to opposing the water bottling facility are not impacts arising from issuance of the MPDES Permit and are not considered in this EA.

Impacts related to traffic, noise, and stresses are addressed in multiple responses to previous comments. For example, see Responses to EA Comments 1, 9, 24 through 27, 31, 53, and 54.

Impacts to area property values are addressed in response to EA comment 51.

Road maintenance impacts related to dust and road degradation are addressed in response to EA comments 1, 14, and 27 among others.

Negative press coverage is not considered an impact to the human or physical environment arising from issuance of the MPDES permit and is outside the scope of this EA.

EA Commenter 4; David and Pamela Eychner

EA Comment 56: c) Your fact sheet (#26 Cumulative Effects) states that "the public water supply well (source water for the project) was reviewed by the DEQ and no significant impacts were found, EQ#15-1097, EA completed August 13, 2014. Please provide this EA along with your responses to our comments and also provide justification for why DEQ would believe that simply testing the water pumped from the ground, prior to rinsing the manufactured bottles, is an adequate measure that protects the environment. A more thorough environmental review would test the water to be discharged after rinsing the bottle, along with a test of a sample of the water after it is placed in the rinsed bottle when it is ready to be put into the stream of commerce.

Response: Copies of each of the three EAs completed by DEQ and DNRC, referenced in this response to comments, are included as attachments to this response to comments document.

The waste water that will be discharged under the MPDES permit is the same water that is put into the bottles as a product. It is not expected that significant pollutants will be present in the discharge water as a result of the rinsing process. Additional monitoring requirements are included in the final permit. Please see the responses to the comments on the draft permit and fact sheet, pages 4 through 17 of this response to comments.

The MPDES program does not regulate the drinking water put into the rinsed bottle for sale. The DEQ Public Water Supply program implements the Safe Drinking Water Act requirements for bottled water. See page 4 of the Fact Sheet for analysis of the effluent.

EA Comment 57: AIR QUALITY: Will pollutants or particulates be produced? Is the project influenced by air quality regulations or zones....

The conclusion of the EA is that there are no potential impacts, viz., "An increase in local traffic may occur with the potential to increase dust. However, the increase particulate matter would be short-lived and not significant. Flathead County has approved a road approach for this project." What data was considered in reaching the conclusion that the "potential to increase dust" would be "short-lived"? What is meant by "short-lived"? In order to bottle all of the water sought by MAWC in its DNRC permit application it has been determined that an 18 wheeler type truck would leave or enter the plants every 8 minutes or so. If the dust on a dirt road created by such a truck at this frequency fills the air but then falls to the ground but then another dust cloud is produced a few minutes after the clearing, all day, every day of the summer, is this short lived? A rational conclusion couldn't conceivable deem this to be short lived. In short, AIR QUALITY has not been adequately considered by the DEQ.

Response: See Responses to EA Comments 4 and 27. Operation of the facility commensurate with the MPDES permit requirements is expected to result in an additional 1 to 4 trucks per day on area roads. There will not be constant truck traffic on the roads due to issuance of the MPDES permit. Increased dust in the air may be a cumulative impact of the MPDES permit. See Section 26 of the EA. Impacts on air quality that are related to issuance of the MPDES permit are expected to be "short-lived" and are

not expected to be significant. The MPDES permit regulates the discharge of wastewater, and does not address full build out of the water bottling facility based on projections that the applicant may use the full DNRC water right. See Sections 3 and 26 of the EA. Dust is regulated by Flathead County.

EA Comment 58: DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed?

The EA concludes that there is no adverse impact. viz., "Flathead County has already approved a road approach authorization for the project (AE-2937). An increase in local traffic on county roads will occur. Impact on roads and transportation in the area is unknown. Comment: If this is unknown, how can you possibly issue a draft permit? There has been no analysis done by the DEQ! Certainly you should have calculated the number of bottles anticipated to be produced and shipped, how many trucks are needed per day to transport these 2 billion bottles and then determined that there would indeed have been an impact on the roads that our local taxpayers will have to repair and maintain. Aside from this where is the review of any safety concerns caused by this number of large trucks. The comment in the EA about the approval of a road approach authorization, here and in #3 above suggests to the casual observer that perhaps the Flathead road personnel have done some analysis of road impact and have "already" issued a road approach authorization.Far from it. A road approach authorization was simply based on a meeting with MAWC and road personnel to discuss and outline what MAWC would have to do to create an approach from its land or driveway onto the county road. For example, it is a requirement of any landowner who builds a new house, that the juncture of the driveway and the roadway be level, and not have visual obstructions so that oncoming traffic might not see an approaching vehicle from the driveway coming onto the county road. Mentioning this twice in the EA suggests that there is either a complete failure to understand the impacts of the heavy road use and accompanying air quality issues or it is an intent to deceive the reader into thinking that the road use has been approved by the local road authorities. I would hope the latter was not the intent. In any event, the conclusion that the impacts on roads and transportation in the area is "unknown" is further evidence that more work needs to be done by the DEQ before this permit can be approved.

Response: DEQ referenced the road approach to show that that portion of the county's responsibility was complete. The approach permit was issued in February 2015 and the final inspection of the approach was completed in August 2015. The impact of truck traffic as related to the project described in the MPDES permit is expected to be minimal. The final EA is revised to state the expected number of trucks resulting from the operation of the water bottling facility at a production level that is commensurate with the MPDES permit is 1 to 4 trucks per day. The impact from this amount of truck traffic is unknown in that there will be an impact that will likely require maintenance, but it is not expected to be significant. DEQ contacted Flathead County and verified the county is responsible for addressing maintenance needs on county roadways. The county has discussed the need for road maintenance with the project sponsor and will work collaboratively to address road maintenance issues attributable to the bottling facility.

EA Comment 59: ...even a cursory review of the EA and supporting documentation leads us to conclude that a full Environment Impact study is necessary in order to protect the environment of the Flathead as a result of this MAWC application. Furthermore, it is unacceptable that the DEQ take a position that their review only concerns the discharge water when the DEQ has a larger responsibility to protect the overall environment. It is akin to approving a nuclear power plant water discharge application that may be 100% clean water, and then not paying attention to the nuclear operation itself.

The review here is similar; too many other variables or "indirect impacts" have not been adequately considered and we therefore call upon the DEQ to do a full EIS.

Response: See Response to EA Comment 40. The state action being reviewed in this EA is issuance of the MPDES permit. DEQ reviewed the relevant direct, secondary and cumulative impacts of this action. See Section 27 of the EA.

The cumulative impacts of construction and operation of the water bottling facility at a production level commensurate with the MPDES permit requirements are not anticipated to be significant. See section 26 of the EA. No further environmental analysis is necessary.

EA Commenter 5; Amy Waller

EA Comment 60: I...am concerned about the impacts that granting this discharge permit will have on my property values. Enclosed is a report by Mcintyre (2016) that quantifies the impact of the proposed bottling plant on the surrounding properties. In contrast to the Environmental Assessment that indicated the bottling plant would have no impact for any parameter, the report identifies the scenic and low population density of the area and recognizes that the dust, noise, traffic, and light pollution at night will impact the neighborhood. Mcintyre concludes that the financial impact of the bottling plant would be around 46% reduction in property value or a total estimated reduction in the neighboring land values of up to $16,653, 000.

Response: The report referenced in the comment assumes the construction of a 187,000 to 200,000 square foot "industrial bottling plant." A facility this size is not consistent with this state action, which is the issuance of an MPDES permit under which the applicant proposes to discharge approximately 24 acre feet per year. The building for operation of a bottling plant at a production level commensurate with the MPDES permit requirements is already on site. This building is consistent with other outbuildings on neighboring properties in the area and is unlikely to have a significant impact on neighboring property values. As stated in previous responses, the operation of the water bottling facility, as limited by the MPDES permit, is not expected to cause significant changes to the rural-agricultural nature of the surrounding area and is not expected to significantly impact local property values.

EA Comment 61: The commenter submitted general objection to DEQ EA because it did not adequately attempt to quantify the truck traffic and other disturbances associated the construction and operation of a facility at full build out using the DNRC water right. The commenter also objected to DEQ's referencing the DNRC EA.

Response: Please see the Response to EA Comment 60. The final EA at Section 26 identifies potential cumulative impacts resulting from the operation of the water bottling facility consistent with the requirements of the MPDES permit.

MEPA requires a multi-disciplinary approach and it is reasonable and appropriate for DEQ to reference the DNRC EA in order to utilize the expertise of other state agencies. DEQ defers to the expertise of DNRC regarding the impact of the proposed ground water withdrawal. DEQ verified the findings of the DNRC EA with respect to animal and plant species of concern in the area and discloses the same species as being potentially present in the area of the proposed MPDES permitted discharge. Given that the area is developed with agricultural and residential properties, DEQ does not expect the issuance of

the MPDES permit and operation of the water bottling facility at a production capacity that is consistent with the permitted discharge to result in significant impact the physical and human environment in the area.

EA Commenter 6; Tracey Pixley

EA Comment 62: The commenter stated that the DNRC EA was flawed and that DEQ should not have referenced it.

Response: Please see the response to EA comment 61. DEQ is unaware of flaws in the DNRC EA. DNRC determined that the requested appropriation would not significantly impact ground water supply in the area. The final determination regarding the requested water right is pending. DEQ based its analysis of local ground water availability on the fact that the requested DNRC water right is much larger than the volume of water needed to operate the water bottling facility at the production levels described in the MPDES permit. DNRC made a preliminary determination that the requested, larger water right would not significantly impact local water supply. Since the volume of water described in the MPDES permit is smaller, DEQ reasonably determined that operating the water bottling facility at a production level commensurate with the MPDES permit would not significantly impact local water supply.

EA Comment 63: 1. Section 1 of the EA, Geology and Soil Quality, Stability and Moisture is insufficient and an DEQ should do a full EIS.

Response: See the Response to EA Comment 2. DEQ does not expect the discharge, as described in the MPDES permit application, to have a significant impact on the geology, soil quality, stability or moisture in the area. See Section 27 of the EA. Also see the response to Comment 3 on the fact sheet and draft permit.

EA Comment 64: Section 2 of the EA, Water Quality, Quantity and Distribution, does not adequately address the effects of the proposed discharges on the temperature, total suspended solids, turbidity, and other toxic chemicals on the receiving water. Specifically, the commenter states that DEQ did not address the geothermal discharge's effect on temperature if the system is used for cooling the facility in the summer months and the effect of the effluent infiltrating to and contaminating the groundwater.

Response: See the Response to EA Comment 3. See also the responses to comments on the draft permit and fact sheet. DEQ assessed the reasonable potential for identified pollutants of concern to exceed the water quality standards and imposed appropriate effluent limitations. Additional monitoring requirements are included in the final permit. All MPDES permits include a reopener provision that allows DEQ to modify the permit if additional pollutants are identified as in need of effluent limitations. Also, MPDES permits are renewed every five years and additional limits developed if necessary to protect water quality.

According to the MPDES permit application, the geothermal heating system is not intended to cool the facility in the summer.

DEQ has no information suggesting that the receiving surface water is infiltrating to groundwater in this location. Nonetheless, the permit is developed to protect the surface water quality standards, which are generally the same as, or more stringent than, the groundwater standards.

EA Comment 65: Section 3 of the EA, Air Quality: The commenter disagrees with the draft EA's finding that dust and particulate matter will be short-lived and not significant. The comment references the full build out of the facility based on the pending DNRC water right and the truck traffic necessary to transport 1.2 billion bottles of water a year.

Response: Please see previous responses, specifically responses to EA comments 1, 4, 5, and 27.

EA Comment 66: The commenter submitted comments on every section of the draft EA that are similar to those summarized above. All of the comments addressed the potential impacts from the facility at full build out and disputed DEQ's finding of no significant impacts.

Response: The remaining comments have been addressed in responses to previous comments. Language in the final EA is revised to clarify that this EA considers impacts from the water bottling facility operating at a production level that is consistent with the MPDES permit. Additional clarification of the direct, secondary, and cumulative impacts of the MPDES permit and the water bottling operation is also provided in the final EA and these responses to comments.

EA Commenter 7; Cynthia Edstrom and Steve Moore

Comment 67: Similar to previous comments, the commenters pointed out the difference between the MPDES permit application and the water right sought from DNRC. They state, "...clearly MAWC has mislead either the DEQ, the DNRC or both during this process regarding the size of the operation, the gallons of effluent discharged and even the destination of the discharge. Apparently, the DEQ has been led to believe that the intended operation is very small, rather than something at least 20 times larger in scale that what was assessed."

Response: Please see the responses to previous comments. The MPDES permit is developed based on our review of the MPDES permit application and water quality data. DEQ has no reason to believe that MAWC attempted to mislead either the DEQ or DNRC. MAWC could obtain the full DNRC water right and be limited to a smaller volume by the MPDES permit. They would merely need to develop alternative means of wastewater disposal that did not require discharge to state waters. If MAWC proposes to increase production and discharge additional wastewater, a permit modification is required and additional MEPA analysis and public process will occur.

Comment 68: Geology and soil quality - the site and all of the surrounding lands are on soils of state and national high value. Building a huge water bottling plant, paving over and creating enormous amounts of dust from trucking will have an adverse effect on what is currently very fertile soil. The degradation, runoff into the river and invasive weed infiltration will be difficult to mitigate once done.

Response: See the Response to EA Comment 2. DEQ does not expect the discharge, as described in the MPDES permit application, to have a significant impact on the geology, soil quality, stability or moisture in the area. Also see the response to Comment 3 on the fact sheet and draft permit, and Section 27 of the EA.

Comment 69: Air quality - The number of trucks and the pounds of dust generated from 100 or more large trucks driving on these gravel roads daily WILL adversely impact the air quality and will not be

short lived given the frequency of truck traffic of 1truck every 2-7 min (see SciGaia report). The road approach cited (and attached to this document) only addressed the driveway entry from MAWC onto the gravel road. No public information is available regarding what if any plans the county has to improve and maintain these roads. Consider the haze we have during harvest season from just a few combines operating throughout the valley. Now, consider that will be present every day that is dry from the dust from the trucks transporting the bottled water.

Response: The comment is based on impacts from a water bottling facility operating at a production level that would utilize the full pending DNRC water right. The final EA considers impacts from the project operating at a production level that is commensurate with the MPDES permit application. See the response to EA comments 27 and 40.

EA Comment 70: Vegetation cover, quantity and quality - DEQ states this area is "well developed residential and agricultural area". This is totally false. This is a lightly inhabited farming area with only a few residences. The dust from the increased traffic WILL clearly affect the numerous trees as well as native and agricultural plants. DEQ admits there are 7 species of concern within the area. The enormous increase in traffic and dust will likely further threaten these species.

Response: See responses to previous EA comments. The phrase "well-developed residential and agricultural area" is replaced with "developed agricultural and residential properties" in the final EA. The building necessary for the facility to operate at a production level consistent with the MPDES permit requirements is already on-site and is consistent with other outbuildings in the area. Operation of the facility at a production level consistent with the MPDES permit will result in 1 to 4 trucks per day on area roads. Dust generation will not be significantly different than current uses and will be mitigated in accordance with state and local requirements if necessary. The disturbance to vegetation cover, quantity and quality is not expected to be significant. See Section 27 of the EA.

EA Comment 71: Terrestrial, Avian and aquatic life and habitat - DEQ again states no effect and states that effluent limits and monitoring will be protective. However, recall that effluent flow volumes are not actually limited in the permit. Additionally, recall that what was requested of the DEQ by the permittee is 42 times less that what MAWC actually plans based on the water rights requested from the DNRC. Also recall that hot water discharge related to geothermal facility cooling has not been assessed. Thus, how does DEQ have the ability to protect these species when these things have not been addressed? Additionally, how can DEQ make this statement without a full EIS including a full assessment of what species live in and depend upon this habit?

Response: Please see responses to comments on the draft permit and fact sheet, pages 4 through 17 of this response to comments. Effluent flow volume is not directly limited, but TSS load is limited and load is a function of flow. Increasing production, and the discharge flow volume, will require an updated permit application and a modification of the permit. Geothermal water for heating will be used from October to March. MAWC did not propose a facility cooling discharge during summer months.

EA Comment 72: Unique, Endangered Fragile or limited environmental resources - again the DEQ states this is a well-developed residential area. Apparently no one from the DEQ even drove through this area since it is clearly sparsely populated rural land! I live here. We have abundant wildlife and diverse plant species. Additionally, there are known wetlands in the affected area. DEQ's site visit was apparently minimal. A full EIS is needed. How can DEQ possibly say the permit will protect fragile species when it hasn't even visited the area, assessed what species are actually present, where they are in relation to the proposed project and how many of them will be smashed by trucks, smothered by dust or rendered infertile by unassessed effluent chemistry?

Response: See Response to EA Comment 7 and Section 27 of the EA. DEQ visited the area on April 11, 2016. The area is comprised of developed agricultural and residential properties. The building to house the facility proposed in the MPDES permit application was on-site at the time and was located in an area with several other buildings nearby and surrounded by agricultural fields. The EA properly discloses the species that are potentially present within the township and range of the property. Given the existing nature of the area, new impacts to unique, endangered fragile or limited environmental resources are not expected to be significant. Therefore, an EIS is not necessary. Also, see the response to EA comment 7.

EA Comment 73: Historical and archeological sites - this facility is located right on the Flathead River which may easily be on Native American historical summering or ceremonial grounds. Additional, most of the early settlements in Flathead County were along the river accessible by steamboat. Has any of this been assessed? No. How can you say no impact?

Response: See Section 8 of the EA. The site is on previously disturbed and developed private agricultural property. The water bottling facility building is already onsite. The proposed water bottling facility is surrounded by developed residential and agricultural properties and county roads. No new impacts to historic or prehistoric sites are expected. If historic sites are discovered they must be protected in accordance with the Montana Antiquities Act, § 22-3-421, MCA *et seq.* and/or the Montana Human Skeletal Remains and Burial Site Protection Act, § 22-3-801, *et seq.*

EA Comment 74: Aesthetics - Did the DEQ visit at night when the beauty is less overtly visible? Even at night, the area is beautiful with the dark night sky full of stars just waiting to be obscured by the 24 h r. floodlights to illuminate this 24/7 operation in our quiet rural area. During the day, this is a verdant, beautiful area of farm fields, scenic barns, pleasant homes and the beautiful Flathead River and Egan Slough. Except, perhaps, for Lew Weavers property that has the bottling plant, multiple campers parked along the river, dilapidated buildings and junk. The only developed and unscenic site in the area is MAWC and the owners poorly kept property. DEQ needs to visit, drive the roads and see the rest of the properties. Stop by any of our homes and look. Only closed eyes cannot see the beauty.

Response: DEQ visited the site and found it similar in nature to other agricultural properties in the area. Significant adverse impacts to aesthetics are not expected. See EA Section 9 and the Response to EA Comment 8.

EA Comment 75: Demands on Environmental Resources of land, water, air, or energy - Multiple objections have been accepted by the DNRC regarding demands on the water. The air will be fouled by dust and truck exhaust, the land degraded by truck traffic, parking lots and dust. A facility of the size proposed to the DNRC and also publically described by Lew Weaver will certainly require a sizable amount of power, as well as internet and other services that are fragile in this sparsely developed rural area.

Response: See EA Section 8 and the Responses to EA Comments 4, 27, and 9.

EA Comment 76: The commenters submitted comments on most of the remaining sections of the draft EA that are similar to those summarized above. The comments consistently addressed the potential impacts from the facility at full build out and disputed DEQ's finding of no significant impacts.

Response: The remaining comments have been addressed in responses to previous comments. Language in the final EA is revised to clarify the relationship between the impacts from the water bottling facility operating at a production level commensurate with the MPDES permit and impacts from a water bottling facility operating at a production level that would use the full pending DNRC water right. Additional

clarification of the direct, secondary, and cumulative impacts of the MPDES permit is also provided in the final EA at Section 26 and in responses to other comments.

Attachment 1

Table 1: Effluent Characteristics					
Parameter	Units	02/2014 Result	03/2015 Result	04/2016 Result	Reporting Limit
pH	s.u.	7.9	7.87	7.9	0.1
Conductivity @ 25°C	umhos/cm	317	331	332	5, 0.1
Total Dissolved Solids	mg/L	197	NA	179	1
Alkalinity, Total	mg/L	177	176	172	4, 1
Chloride	mg/L	1	1.3	2.6	1, 0.1, 2.5
Fluoride	mg/L	NA	0.13	0.17	0.01
Nitrate	mg/L	NA	0.11	0.096	0.01
Nitrate + Nitrite, as N	mg/L	0.09	NA	0.096	0.01
Sulfate	mg/L	3	2.7	3.5	1, 0.1
Hardness as CaCO3	mg/L	172	NA	101	1
Sodium Adsorption Ratio	NA	0.37	NA	NA	0.01
Turbidity	NTU	NA	0.15	0.2	0.05
Barium, Total	mg/L	0.37	0.37	0.39	0.05
Boron, Total	mg/L	NA	0.12	0.13	0.05
Calcium, Total	mg/L	40	36	40	1
Magnesium, Total	mg/L	17	15	17	1
Silica, Total	mg/L	NA	12	13	0.2
Sodium, Total	mg/L	11	11	12	1
Acetone	µg/L	NA	9.0(1)	8.1	10, 2.5
Methyl ethyl ketone	µg/L	NA	12	NA	10

Footnote:
1. This result was flagged as an estimated concentration below the reporting limit.

Attachment 2: List of Commenters

No.	Name	City	State
1	William Kuchera		
2	Duane and Kathleen Carlson	Whitefish	MT
3	Jack Paulson	Bigfork	MT
4	Randal Shogren, Ph.D.	Columbia Falls	MT
5	Victoria A. Marquis	Billings	MT
6	Sally Janover	Bigfork	MT
7	Charlotte French	Bigfork	MT
8	Robert M. Gentry	Missoula	MT
9	Amy Waller	Kalispell	MT
10	Brad Bennett	Kalispell	MT
11	Cynthia S. Edstrom and Steve Moore	Kalispell	MT
12	Elsa Putzier	Bigfork	MT
13	Tom Tucker	Kalispell	MT
14	David and Pamela Eychner	Kalispell	MT
15	Marcus and Jean Carlson	Kalispell	MT
16	Tracey Pixley	Kalispell	MT
17	Carson Coate	Helena	MT
18	Alexa Beyer		
19	Vance and Tara Carolin	Kalispell	MT
20	Jean Rachubka		
21	Laurel Fullerton		
22	Dave Hadden	Whitefish	MT
23	Bill Yarus	Kalispell	MT
24	Stephen Braun		
25	Adele Zimmerman	Kalispell	MT
26	Henry Williams		
27	Ben Conard	Kalispell	MT
28	Kevin Feist	Kalispell	MT
29	Amy Dempster		
30	Lew Weaver	Kalispell	MT
31	Mamie Flinn	Whitefish	MT
32	John Waller	Kalispell	MT
33	Mary Ann Garner	Kalispell	MT
34	Bob Storer	Bigfork	MT
35	Clayton Mauritzen	Kalispell	MT
36	Robin D. Kelson	Whitefish	MT
37	Sandy Perry	Kalispell	MT
38	Christine Dye	Kalispell	MT
39	Sally A. Conner	Kalispell	MT
40	Kelly Morrow	Kalispell	MT
41	Marilyn R. Nelson	Whitefish	MT
42	Steven Harvey	Kalispell	MT
43	Deirdre Coit	Kalispell	MT

44	Greg Eller	Kalispell	MT
45	Janice Lord	Bigfork	MT
46	Aase Vaseth	Bigfork	MT
47	Jerry Lacey	Bigfork	MT
48	Janice Thompson	Bigfork	MT
49	Jacqueline Whitehorn	Bigfork	MT
50	Mike Glain	Bigfork	MT
51	Todd Schlapfer	Spokane	WA
52	Dick Kodeski	Kalispell	MT
53	Hannah Root	Monterey	CA
54	Adela Curaj	Massapequa Park	NY
55	Susan Sievers	Whitefish	MT
56	Loretta Byrd	Martin City	MT
57	Tommy Lindell	Kalispell	MT
58	Anna Byrd	Martin City	MT
59	Elaine Hartman		
60	Morgan Shaeffer	Kalispell	MT
61	Bridjett J. Miller	Whitefish	MT
62	Linda Waller		
63	Jason Forrest	Whitefish	MT
64	Bryan and Kerri Overseth	Kalispell	MT
65	Sophie Dodd	Boston	MA
66	Patricia Louden	Kalispell	MT
67	John and Barbara Moran	Kalispell	MT
68	Paul Klapp and Linda Roomano	Bigfork	MT
69	Marlin Kauffman	Creston	MT
70	Robin Robinson	Columbia Falls	MT
71	Rebecca Norton	Whitefish	MT
72	Laura Hunter	Bigfork	MT
73	Sheila Zohrer	Bigfork	MT
74	Jane Senter and Stephen Shumate		
75	Jen Elden	Whitefish	MT
76	Michael J Haase	Kalispell	MT
77	Tom Kurdy	Lakeside	MT
78	Gail A Watson-Fulsaas	Kalispell	MT
79	Stephanie Gordon	Whitefish	MT
80	Holly B Kemp	Whitefish	MT
81	Jami Deskins Erickson	Kalispell	MT
82	Amy Eller	Kalispell	MT
83	Carole McKee	Kalispell	MT
84	Dale and Patricia Sonstelie	Kalispell	MT
85	Frances Wade	Bigfork	MT
86	Mildred Axelband	Bigfork	MT
87	Alison and Nathan Rose	Kalispell	MT
88	Angela Jensen		
89	Edd Blackler	Bigfork	MT
90	Emilie Kimmet	Kalispell	MT

91	Joshua and Cassandra Kauffman		
92	Dennis and Constance Gomez		
93	Elizabeth Kehr	Kalispell	MT
94	Tawnya Rourke Kelly	Kalispell	MT
95	Anna Mullen		
96	Jessie kane		
97	Jay Cummings	Kalispell	MT
98	Dawn Oehlerich	Kalispell	MT
99	Susan Clarke		
100	Carol Sugarman	Kalispell	MT
101	Mark and Michelle Lies	Kalispell	MT
102	Megan Chaisson	Whitefish	MT
103	Corrie Colbert		
104	Randy and Susan Stuber		
105	Kristine Rein	Columbia Falls	MT
106	Neil Stuber		
107	Martin Fulsaas		
108	Barbara Lancaster	Columbia Falls	MT
109	Andrea Brew	Whitefish	MT
110	Sarah Ericson	Whitefish	MT
111	Jimmy Reed		
112	Kelly West		
113	Don and Denise Rountree	Kalispell	MT
114	Daniel D. and Deborah J. Kauffman	Kalispell	MT
115	Greg and Joan Tierney	Kalispell	MT
116	Bill and Nancy McGunagle	Kalispell	MT
117	Jane and Chuck Edwards		
118	John M. and Linda W. Shearer	Kalispell	MT
119	Carol Edwards		
120	Carol Bibler	Kalispell	MT
121	David Marx	Whitefish	MT
122	Erica Paron	Whitefish	MT
123	Lorin and Vickie Hicks	Kalispell	MT
124	Gary Saurey	Whitefish	MT
125	Ryan Voigt		
73	Sheila Zohrer		
37	Sandy Perry		
126	Ed and Shirley Sullivan	Kalispell	MT
127	Leslie Kermath	Kalispell	MT
128	No name or address provided		
129	Rick and Glenda Billman	Kalispell	MT
130	Paula and Bob Smith	Bigfork	MT
131	Roy Hutchin	Kalispell	MT
132	Elizabeth Schenk		
133	Alyssa Dillon		
134	Teresa Hartford		
135	Ray and Ann Christensen	Kalispell	MT

136	Tabitha Spencer		
137	Craig Kemp		
138	Bob and Lori		
139	Bobbi Mercer	Bigfork	MT
140	Angela Helvey		
141	Greg Embry	Kalispell	MT
142	Sharon Lamar	Condon	MT
143	Karen Feather	Coram	MT
144	Sheila Hassel		
145	Corrie Holloway		
146	Carmen Hemmer	Kalispell	MT
147	Gerard Byrd	Martin City	MT
148	Randall and Terry DeMarco	Kalispell	MT
149	Elsie Wickenheisser	Kalispell	MT
150	Holly Whitney	Bigfork	MT
151	Aaron Hove	Kalispell	MT
152	Royner Ward	Bigfork	MT
153	Patricia Helvey	Helena	MT
154	Darla Ferretti	Columbia Falls	MT
155	Marion Gerrish	Kalispell	MT
156	Concerned Resident		
157	Deborah Webb	Kalispell	MT
158	Holly and Craig Wood	Kalispell	MT
159	Myrna Teskey	Columbia Falls	MT
160	Tammy White	Kalispell	MT
161	Kyle White	Kalispell	MT
162	Joann M Adams	Kalispell	MT
163	Coby M. Edgerton	Bigfork	MT
164	Daniel S. King		
165	John York	Billings	MT
166	William A. Thomas	Missoula	MT
167	Shari Roubinek		
168	Anne Zavadil		
169	Sherry Astle		
170	No name or address provided		
171	Tracy L. Cummins		
172	Shelley Astle		
173	Roger Sherman	Whitefish	MT
174	Lynn Sprinkle		
175	Michelle Johnson		
176	Taylor Valliant		
177	Kathryn Berg		
178	Elaine Snyder	Kalispell	MT
179	Mrs. Francis Khor	Kalispell	MT
180	Michael J. Ober	Kalispell	MT
181	Anne Barker		
182	Erica Neils		

183	Sam Stockham	Kalispell	MT
184	Richard Dunshee		
185	Alice Ritzman	Kalispell	MT
186	Aaron Alme		
187	Travis Fields		
188	Steven Gerner		
20	Jean Rachubka		
189	Ted Czochanski	Kalispell	MT
190	Tara Harvey	Columbia Falls	MT
191	McKenna D. Harvey	Columbia Falls	MT
192	Russ Harvey	Columbia Falls	MT
193	Mark Gilley	Columbia Falls	MT
194	Danielle Gilley	Columbia Falls	MT
195	Tanner Perry	Columbia Falls	MT
196	Shirley Harvey	Columbia Falls	MT
198	Jason Gilley	Columbia Falls	MT
199	Laura Gilley	Columbia Falls	MT
200	Julia and Arthur Sims	Kalispell	MT
201	David H. Ives	Kalispell	MT
202	Jean Marshall		
203	John Helton		
204	Jinger and Rick Moore	Ingleside	IL
205	Russell and Linda Johnson	Kalispell	MT
206	No name or address provided		
207	John Webster		
208	Donald and Cindy Bissell	Bigfork	MT
209	Dana and Steve Van Den Heuvel	Kalispell	MT
210	Danielle Hammett		
211	Pam James	Bigfork	MT
212	Bryan Muzzana		
213	Douglas Rhodes		
214	Susan Sherman		
215	Alan Myers-Davis		
216	Rita McKinney		
217	Barbara Sherrard	Bigfork	MT
218	Elizabeth Batt		
219	Mary Jo Naïve	Bigfork	MT
220	Jean Tyser		
221	Lucy Williams		
222	Kevin Jacks		
223	Todd Scholer	Kalispell	MT
224	Cindy Sherbeck	Kalispell	MT
225	Christine Hardy	Frenchtown	MT
226	Allan Clark	Kalispell	MT
227	Mark and Connie Ottey	Kalispell	MT
228	Mark Zielinski	Creston	MT
229	Henry Oldenburg	Bigfork	MT

230	Dr. Charles Corrigan	Kalispell	MT
231	Susan Hylbak	Bigfork	MT
232	Velvet Phillips-Sullivan	Whitefish	MT
233	Judy Bysshe	Bigfork	MT
234	James Lennox	New York	NY
235	Bruce Young	Lakeside	MT
236	Makayla Ray	Kalispell	MT
237	Erica Anne Gerber	Kalispell	MT
238	Robin Robinson		
239	Tom Towle	Creston	MT
240	William Harper		
241	Steve Rosso	Lakeside	MT
242	Kathy Holley	Kalispell	MT
243	Virginia Zielinski	Kalispell	MT
244	Wayne Miller	Kalispell	MT
245	Chris Young	Kalispell	MT
246	Robert Rayford	Kalispell	MT
247	Mark Stevens	Kalispell	MT
248	Sandra Boettler		
249	Larry Passmore		
250	Dan Jensen		
251	Cindy Edstrom		
252	Gary Wiest	Kalispell	MT
253	LuAnn Siblerud-Borgen		
254	Amber Jensen	Kalispell	MT

Attachment 3:

DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment

PERMITTING AND COMPLIANCE DIVISION
PUBLIC WATER SECTION

EQ Number & Name of Project: **E.Q. 16-1158: Montana Artesian Water Company—Public Water Supply (Pending)**

Location of Project: Kalispell, MT

City/Town: Kalispell, MT **County:** Flathead

Description of Project:

- ☐ New Well
- ☒ New Water Treatment Process
- ☐ Water System Modification
- ☐ Water Main Extension
- ☐ New subsurface wastewater system
- ☐ New above-ground wastewater system
- ☐ Wastewater System Modification
- ☐ Sewer Main Extension
- ☒ Other: New water bottling plant. This EA of the bottling plant covers only those portions of the plans and specifications that are subject to the review authority under the Public Water Supply Laws (MCA 75-6) and the Administrative Rules promulgated thereunder (ARM 17.38). This EA does not cover items found within the plans and specifications that are outside of the Department's review authority, including but not limited to, electrical work, architecture, site grading, or water and sewer service connections.

The applicant is responsible for compliance with all applicable federal, state, local, and tribal law, regulations, and ordinances. This MEPA document is limited solely to the matters therein specifically contained in the PWS application.

Agency Action:
Plan Review and approval for the above-mentioned project.

Other Agency Approvals:

- ☒ DNRC Water rights
- ☒ Other: DPHHS Regs. for water bottling facilities.
- ☐ DEQ Subdivision Review
- ☒ DEQ Water Discharge Permit

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water	☒ DNRC addresses water quantity impacts for wells over 35 gpm. ☐ The application does not require information on water quality impacts for wells under 35 gpm. ☒ MPDES permitting and/or non-deg analysis address impacts to water quality.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
quality?	☐ Other – No impacts expected; project designed in accordance with DEQ criteria.

3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project? Will new or upgraded powerline or other energy source be needed)	☒ DNRC addresses water quantity impacts for wells over 35 gpm. ☐ The application does not require information on water quality impacts for wells under 35 gpm. ☒ MPDES permitting and/or non-deg analysis address impacts to water quality. ☐ Other – N/A
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]

IMPACTS ON THE HUMAN ENVIRONMENT	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N – the project should reduce health and safety risks in the area.]
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create,	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review

IMPACTS ON THE HUMAN ENVIRONMENT	
move or eliminate jobs? If so, estimated number.	authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
22(a). PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[No – no further analysis necessary]

23. Summary of Magnitude and Significance of Potential Impacts: *No significant impacts are applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, these impacts may be analyzed by those agencies.*

24. Cumulative Effects: *Analysis of cumulative effects is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency*

approval(s) are necessary, these impacts may be analyzed by those agencies. As noted in the PWS approval letter, the facility will require permits from the following:

1. *A storm water permit may be required for this project. The applicant should contact the Department of Environmental Quality Water Protection Bureau at 444-3080 for more information.*
2. *Finalized O&M manuals for the project will be required with the as-builts.*
3. *The discharge permit modifications must be approved prior to operation of the water treatment plant.*

Approval of the PWS is only for the well construction, treatment, piping and appurtenances and does not constitute approval from the other agencies mentioned or any building permits required.

25. Preferred Action Alternative and Rationale: *Approve*

Recommendation for Further Environmental Analysis:

[ ] EIS [ ] More Detailed EA [X] No Further Analysis

EA Checklist Prepared By:

Denver Fraser
(Name)

November 29, 2016
Date

Attachment 4

DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment

PERMITTING AND COMPLIANCE DIVISION
PUBLIC WATER SECTION

EQ Number & Name of Project: EQ#15-1097 Weaver Entities Water Bottling

Location of Project: Creston area

City/Town: Kalispell **County:** Flathead

Description of Project:

- [x] New Well
- [ ] New Water Treatment Process
- [ ] Water System Modification
- [ ] Water Main Extension
- [ ] Other:
- [ ] New subsurface wastewater system
- [ ] New above-ground wastewater system
- [ ] Wastewater System Modification
- [ ] Sewer Main Extension

Agency Action:
Plan Review and approval for the above-mentioned project.

Other Agency Approvals:

- [x] DNRC Water rights
- [ ] Other:
- [ ] DEQ Subdivision Review
- [ ] DEQ Water Discharge Permit

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[x] DNRC addresses water quantity impacts for wells over 35 gpm. [ ] The application does not require information on water quality impacts for wells under 35 gpm. MPDES permitting and/or non-deg analysis address impacts to water quality. Other – specify
3. AIR QUALITY: Will pollutants or	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review

IMPACTS ON THE PHYSICAL ENVIRONMENT	
particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project? Will new or upgraded powerline or other energy source be needed)	☒ DNRC addresses water quantity impacts for wells over 35 gpm. ☐ The application does not require information on water quality impacts for wells under 35 gpm. ☐ MPDES permitting and/or non-deg analysis address impacts to water quality. ☐ Other – specify
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]

IMPACTS ON THE HUMAN ENVIRONMENT	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N – the project should reduce health and safety risks in the area.]
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create,	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review

IMPACTS ON THE HUMAN ENVIRONMENT	
move or eliminate jobs? If so, estimated number.	authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[Analysis of this impact is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, this impact may be analyzed by those agencies.]
22(a). PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[No – no further analysis necessary]

23. Summary of Magnitude and Significance of Potential Impacts: *No significant impacts are applicable to the action being reviewed by the Public Water Plan Review Section or the*

Section has no review authority. If other agency approval(s) are necessary, these impacts may be analyzed by those agencies.

24. Cumulative Effects: *Analysis of cumulative effects is not applicable to the action being reviewed by the Public Water Plan Review Section or the Section has no review authority. If other agency approval(s) are necessary, these impacts may be analyzed by those agencies.*

25. Preferred Action Alternative and Rationale: *Approve*

Recommendation for Further Environmental Analysis:

[ ] EIS [ ] More Detailed EA [X] No Further Analysis

EA Checklist Prepared By:

Emily J. Gillespie, P.E. August 13, 2014
(Name) Date

Attachment 5

EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Montana Artesian Water Company
405 Pederson Rd
Kalispell, MT 59901

2. Type of action: Groundwater Application for Beneficial Water Use Permit 76LJ 30102978

3. Water source name: Groundwater

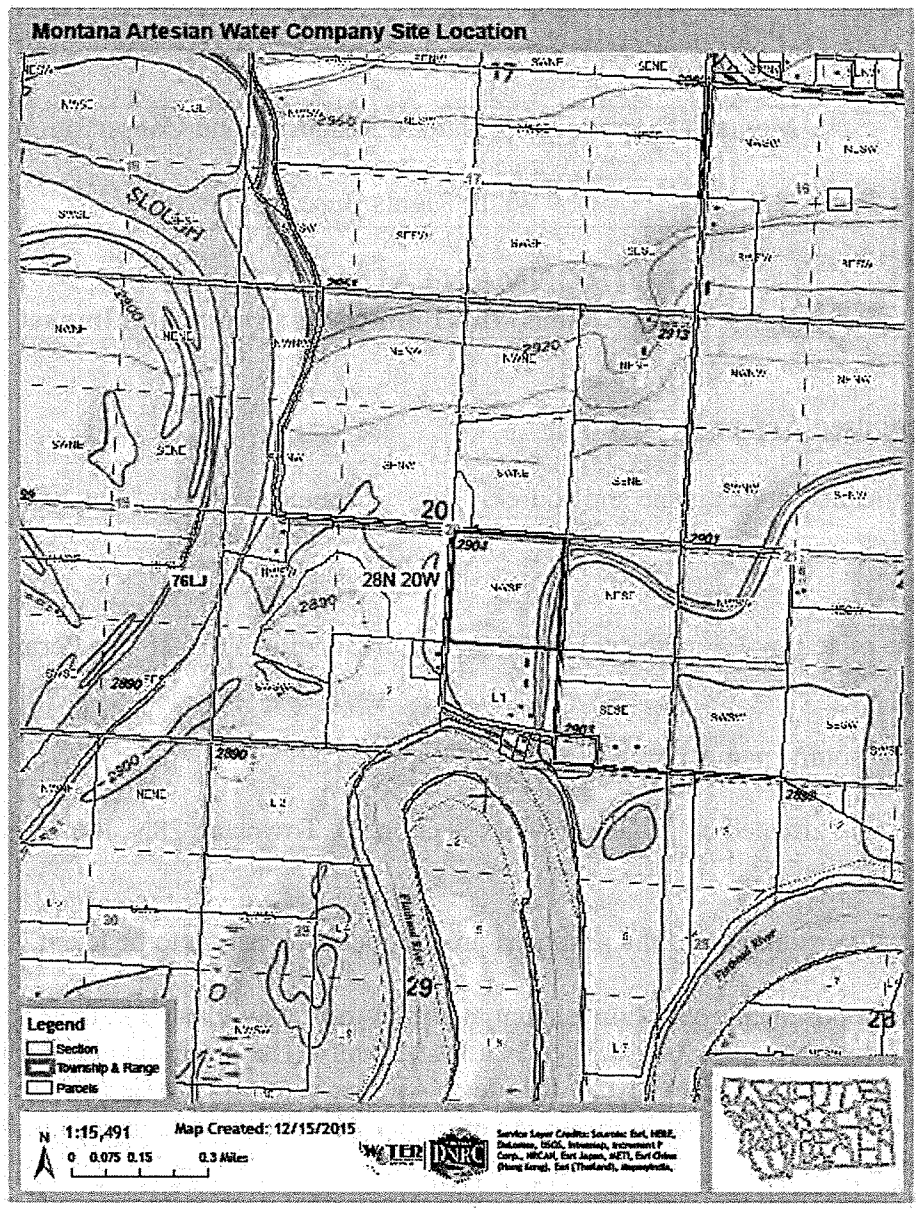
4. Location affected by project: NWSE Section 20, Township 28N, Range 20W, Flathead County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The proposed appropriation is from a groundwater well located in the SENWSE Section 20, Township 28N, Range 20W, Flathead County. The proposed appropriation is for 1 CFS (450 GPM) up to 710.53 acre-feet (AF) per year for commercial use in a water bottling plant. The proposed period of diversion and period of use is January 1-December 31.

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
Montana Natural Resource Information System (NRIS)
Montana Department of Fish, Wildlife, & Parks (DFWP)
Montana Department of Environmental Quality (DEQ)
Montana Natural Heritage Program
National Wetlands Inventory
USDA NRCS Web Soil Survey



Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No significant impact

The source of supply is groundwater. The surface water sources identified to be hydraulically connected to the groundwater aquifer are the Flathead River and Flathead Lake which have not been identified as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, & Parks.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No significant impact

The reach of the Flathead River which will be depleted by groundwater pumping of the Applicant's wells has not been assessed for any beneficial uses by DEQ. Flathead Lake has been assessed and is identified by DEQ as not supporting aquatic life and fully supporting agriculture, primary contact recreation, and drinking water. It is not anticipated that pumping of the Applicant's groundwater well will have any negative impacts on the water quality of the Flathead River or Flathead Lake.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No significant impact

The Applicant is proposing to divert a flow of 1 CFS up to 710.53 AF annually from the groundwater aquifer. A Department memo dated January 10, 2011, entitled "Legal Availability of Groundwater in the Flathead Deep Aquifer" states groundwater levels in the Deep Aquifer are effectively controlled by the Flathead River and Flathead Lake and a new groundwater use will not alter the regional gradient, and thus the aquifer flux. New groundwater use will reduce discharge from the aquifer to the Flathead River and Flathead Lake in the amount equivalent to the consumptive use of the proposed diversion (600.33 AF per annum). Based on this memo, the Department analyzes physical and legal availability in the Flathead River and Flathead Lake in order to determine availability of water.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No significant impact

The means of diversion (well) has already been constructed. Since this is a groundwater appropriation, there will be no channel impacts, flow modifications, barriers, dams, or riparian impacts to the Flathead River or Flathead Lake.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special*

concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No significant impact

The Montana Natural Heritage Program identified a list of 11 animal species of concern within the township and range that the project is in. Of this list, the Canada Lynx, Grizzly Bear, and Bull Trout are listed as "threatened" by the US Fish & Wildlife Service. Seven plant species of special concern were identified by the Montana Natural Heritage Program to potentially be in the project area. None of the plant species are identified as endangered or threatened by the US Fish & Wildlife Service. This project is located in a well-developed residential portion of the Flathead valley and it is not anticipated that any of the species of concern will be impacted by the proposed project.

Long-billed Curlew	Wolverine	Hoary Bat	Canada Lynx	Great Gray Owl	Fisher
Westslope Cutthroat Trout	Grizzly Bear	Great Blue Heron	Bull Trout	Pygmy Whitefish	Pygmy Water-lily
Flatleaf Bladderwort	Water Star-grass	Water Bulrush	Tufted Club-rush	Columbia Water-meal	Scorpidium moss

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No significant impact

There is one wetland identified within the project area. The wetland appears to be formed by an old side channel of the Flathead River. The map provided by the Applicant shows that the water bottling plant will be constructed to the west of the wetland; it does not appear from the map that the wetland will be impacted by the construction of the access road or water bottling plant. Well water used in the geothermal heating process will be discharged into the wetland according to information provided in the application. The DNRC cannot take responsibility for analysis of any impacts the discharge may have; a discharge permit from DEQ will be required.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No significant impact

There were no ponds identified within the project area.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE *- Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No significant impact

This proposed beneficial use of this application is commercial use in a water bottling plant. Water used under the commercial use will not be applied to the ground, therefore it is not anticipated that the proposed use will have an impact on the soil quality, stability, or moisture content.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No significant impact

Issuance of a water use permit should not have an impact on existing vegetative cover and it is not anticipated that issuance of a water use permit will contribute to the spread of noxious weeds in the project area. Noxious weed prevention will be the responsibility of the landowner.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No significant impact

There will be no impact to air quality associated with issuance of a water use permit.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A- Project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No other potential impacts have been identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No known environmental plans or goals will be impacted by this project.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No access or recreational activities will be significantly impacted by this project.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: This proposed project will have no significant impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
Yes___ No_X_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No regulatory impacts are known.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* No significant impacts identified

(b) *Local and state tax base and tax revenues?* No significant impacts identified

(c) *Existing land uses?* No significant impacts identified

(d) *Quantity and distribution of employment?* No significant impacts identified

(e) *Distribution and density of population and housing?* No significant impacts identified

(f) *Demands for government services?* No significant impacts identified

(g) *Industrial and commercial activity?* No significant impacts identified

(h) *Utilities?* No significant impacts identified

(i) *Transportation?* Development of a water bottling plant will increase local trucking traffic in the surrounding area due to shipping of the product. It is unknown what impact the increased trucking traffic could have on roads and transportation in the area.

(j) *Safety?* No significant impacts identified

(k) *Other appropriate social and economic circumstances?* No significant impacts identified

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts No significant impacts identified

Cumulative Impacts No significant impacts identified

3. ***Describe any mitigation/stipulation measures:*** None

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

The only alternative to the proposed action would be the no action alternative. The no action alternative would not permit the Applicant to divert water for commercial purposes.

PART III. Conclusion

1. ***Preferred Alternative***

Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.

2 ***Comments and Responses***

None

3. ***Finding:***

Yes___No_X_ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of

EA: Name: Nathaniel T. Ward
Title: Water Resource Specialist
Date: January 7, 2016